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London Luton Airport Expansion

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7.01 Planning Statement

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APFP Regulation: 5(2)(c)



The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009**

**London Luton Airport Expansion Development Consent
Order 202x**

7.01 PLANNING STATEMENT

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EXECUTIVE SUMMARY

This Planning Statement has been prepared to support an application for development consent, for the expansion of London Luton Airport ('the Proposed Development'). This application is made by Luton Rising (a trading name of London Luton Airport Limited), owners of London Luton Airport ('the Applicant'). The Applicant is a business and social enterprise owned by a sole shareholder, Luton Borough Council, for community benefit. Luton Rising is at the heart of a movement for positive change in the Luton community.

The Proposed Development seeks to expand the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity to 32 mppa. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with incremental growth in capacity of the airport.

The Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 ('the Act') because:

- a. It comprises the alteration of an airport.
- b. The airport is in England.
- c. The effect of the Proposed Development is to increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services.

As a result, the Applicant requires development consent under the Act in order to construct, operate and maintain the Proposed Development.

Section 1 provides an introduction to the Planning Statement including an overview of the Proposed Development, the legislative context, other consents and a brief summary of the consultation process.

Section 2 summarises the need case for the Proposed Development and notes that there is clear Government policy support for aviation growth and for airports making best use of their runways and that the expansion of airports brings significant benefits. The Government recognises that by not increasing airport capacity in the south east of England, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism and foreign direct investment.

There are a large number of businesses with international connections in the area served by the airport and these businesses need enhanced aviation connectivity in order to remain globally competitive and deliver growth in productivity and output.

Notwithstanding the effects from Covid-19, there is expected to be strong growth in demand for air travel, with the market recovering to 2019 levels by around 2024. This growth is expected to continue and additional capacity will be required at London Luton Airport shortly thereafter if it is to continue to deliver the aviation connectivity that the area around it requires.

Section 3 of this Planning Statement describes the site and surroundings and Section 4 sets out the relevant planning history.

A description of the Proposed Development is provided in Section 5 together with an overview of related strategies to mitigate environmental impacts, including the Green Controlled Growth (GCG) Framework which is a framework for managing the growth and operation of the airport through the coming decades within definitive and legally binding environmental limits.

This Planning Statement provides a detailed assessment of the Proposed Development against the policies which the Applicant considers are likely to be important and relevant to the determination of the application. These policies are identified in Section 6, the assessment principles are set out in Section 7 and the Proposed Development's compliance with the relevant legislation and planning policies are set out in Section 8, which is also informed by the relevant chapters of the **Environmental Statement (ES) [TR020001/APP/5.01]**.

Appendix E of this Planning Statement comprises Planning Policy Compliance Tables which present a consideration of the Scheme against the national and local planning policies that the Applicant considers likely to be important and relevant to the determination of the application for development consent.

Section 9 of this Planning Statement presents its conclusion following a detailed assessment of the Proposed Development. This concludes that the proposed expansion of the airport will deliver substantial socio-economic benefits in terms of jobs and a boost to economic activity in the local area, thereby supporting the Government's Levelling Up agenda and other initiatives to grow the economy in Luton and beyond.

It sets out that, whilst it has not been possible to avoid all adverse impacts, these have been minimised, where possible, through careful design and detailed and innovative mitigation strategies.

It concludes that the substantial benefits of the Proposed Development clearly and demonstrably outweigh any residual harms that would arise with the proposed suite of mitigation measures in place.

The Proposed Development is compliant with national aviation policy, national planning policy and the relevant development plan documents when taken as a whole. In terms of the overall planning balance, this Planning Statement concludes that development consent for the Proposed Development should be granted.

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1 INTRODUCTION

1.1 Overview

- 1.1.1 This Planning Statement has been prepared to support an application for development consent, for the expansion of London Luton Airport ('the Proposed Development'). This application is made by Luton Rising (a trading name of London Luton Airport Limited), owners of London Luton Airport ('the Applicant'). Luton Rising is a business and social enterprise owned by a sole shareholder, Luton Borough Council, for community benefit. Luton Rising is at the heart of a movement for positive change in the Luton community.
- 1.1.2 The Proposed Development seeks to expand the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity to 32 mppa. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with incremental growth in capacity of the airport.
- 1.1.3 Key elements of the Proposed Development include:
- a. Extension and remodelling of the existing passenger terminal (Terminal 1) to increase its capacity;
 - b. New passenger terminal building and boarding piers (Terminal 2);
 - c. Earthworks to create an extension to the current airfield platform; the vast majority of material for these earthworks would be generated on site;
 - d. Airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
 - e. Landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
 - f. Enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
 - g. Extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
 - h. Landscape and ecological improvements, including the replacement of existing open space; and
 - i. Further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040¹, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and

¹ This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

storage, new aircraft fuel pipeline connection and storage facilities, and sustainable surface and foul water management installations.

1.1.4 The full project description is provided in **Chapter 4** of the **Environmental Statement** (the **ES**) [TR020001/APP/5.01].

1.2 Purpose and Structure of this Planning Statement

1.2.1 This Planning Statement is submitted as part of a suite of supplementary documents which support the application for development consent [**Planning Inspectorate Reference TR020001**], in accordance with section 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (APFP 2009) (Ref 1.1).

1.2.2 This Planning Statement considers and assesses the Proposed Development against relevant planning policy and other matters the Applicant considers are likely to be important and relevant to the Secretary of State's (SoS) decision.

1.2.3 The Planning Statement is structured as follows:

- a. Section 1 introduces the development.
- b. Section 2 summarises the need case for the scheme.
- c. Section 3 describes the site and surroundings.
- d. Section 4 sets out the planning history.
- e. Section 5 outlines the Proposed Development.
- f. Section 6 describes the policy context.
- g. Section 7 set outs the assessment principles.
- h. Section 8 assesses the Proposed Development against policy.
- i. Section 9 sets out the planning balance and conclusions.

1.3 The Applicant

1.3.1 London Luton Airport Limited (trading as Luton Rising) is the owner of London Luton Airport and Luton Rising is wholly owned by Luton Borough Council (LBC). Luton Rising ('the Applicant') is preparing the application for development consent for works.

1.3.2 The airport is operated under a concession agreement (currently until 2032) by London Luton Airport Operations Limited (LLAOL) a wholly separate, privately owned, company not connected to London Luton Airport Limited.

1.4 Legislative Context

1.4.1 The Proposed Development is defined as a Nationally Significant Infrastructure Project (NSIP) under section 14(1)(i) and 23(1)(b)(c), (4)(a) and (5)(a) of the Planning Act 2008 ('the Act') (Ref 1.2) because:

- a. It comprises the alteration of an airport.
- b. The airport is in England.

- c. The effect of the Proposed Development is to increase by at least 10 million per year the number of passengers for whom the airport is capable of providing air passenger transport services.

- 1.4.2 As a result, the Applicant requires development consent under the Act in order to construct, operate and maintain the Proposed Development.
- 1.4.3 The Act prescribes that the SoS is responsible for determining the application for development consent, with the power to appoint an Examining Authority of appointed persons to manage and examine the application. In this role, the appointed Examining Authority, normally appointed through the Planning Inspectorate, will make procedural decisions and examine the application and make a recommendation to the SoS who will then decide whether to grant a DCO.
- 1.4.4 In accordance with Section 104(2) of the Act, the SoS is required to have regard to any relevant National Policy Statement (NPS) where it has effect, amongst other matters, when deciding whether or not to grant a DCO.
- 1.4.5 The current Airports National Policy Statement (ANPS) (Ref 1.3), however, only has 'effect' in relation to the delivery of additional airport capacity at Heathrow Airport through the Heathrow Northwest Runway project and so Section 104 of the Act does not apply. The application will, therefore, be determined under section 105 of the Act.
- 1.4.6 Section 105(2) of the Act provides that in deciding the Application, the SoS must have regard to any local impact report prepared by the relevant local authorities, matters that may be prescribed and any other matters which the SoS "thinks are both important and relevant" to their decision. An overview of aviation and planning policy together with prescribed matters is provided in **Section 7**.
- 1.4.7 It is noted that off-site highway works are proposed at M1 Junction 10 but as these works are below the area threshold described in Section 22 of the Act and are not likely to result in significant environmental effects (see **Table 1.1 in Chapter 1** of the **ES [TR020001/APP/5.01]**), it is considered that these proposed works do not constitute an NSIP in their own right.
- 1.4.8 The Proposed Development is considered to be 'EIA development' as defined by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) (Ref 1.4) requiring an Environmental Impact Assessment (EIA). The Proposed Development falls within the development description of both paragraphs 10(e) and 13(1) of Schedule 2² of the EIA Regulations due to the Proposed Development requiring construction and change/extension of an existing airfield, and the potential to give rise to significant environmental effects. Other infrastructure elements which form part of the Proposed Development would likely constitute EIA Development in their

² EIA Regulations 2017, Schedule 2 paragraph 10(e) construction of airfields and 13(1) any change to or extension of development of a description listed in Schedule 1 to these Regulations (other than a change or extension falling within paragraph 21 of that Schedule) or in paragraphs 1 to 12 of this Schedule, where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment.

own right and therefore require EIA under Schedule 2, for example the construction of the new road providing access to the east of the airport (the Airport Access Road (AAR)) falls within the description of paragraph 10(f) “*construction of roads*”, whilst the fuel farm falls within paragraph 3(e) “*surface storage of fossil fuels*”.

- 1.4.9 An **ES [TR020001/APP/5.01]** has therefore been prepared and is submitted with the application for development consent.

1.5 Other Consents, Licences and Permits

- 1.5.1 The principal consent for the Proposed Development will be the DCO itself, a **Draft Development Consent Order [TR020001/APP/2.01]** is being submitted as part of this application.
- 1.5.2 Other consents sought by this application for development consent concern streets (including the power to alter the layout of streets, traffic regulation etc.), supplemental powers (including protective work to buildings etc.) and powers of acquisition and possession (including compulsory acquisition of land, crown rights etc.). Operations to consent will comprise of the power to operate the authorised development and the Environmental Scrutiny Group. Full details of the consents being sought can be found in the **Draft Development Consent Order [TR020001/APP/2.01]**.
- 1.5.3 In addition to this, a range of other consents, licences, permits etc. are expected to be required including:
- a. approvals from relevant local planning authorities, the Environmental Scrutiny Group ((ESG) a new body that will oversee the monitoring and reporting regime, informed by new Technical Panels, see Section 6.4 for further detail) and the SoS pursuant to the Requirements contained in the draft DCO;
 - b. licence from Natural England in relation to affected European Protected Species pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010 (Ref 1.5), in relation to bats;
 - c. licence from Natural England to affect protected species under section 16 of the Wildlife and Countryside Act 1981 (Ref 1.6) and Protection of Badgers Act 1992 (Ref 1.7), in relation to badgers;
 - d. permits from the Environment Agency pursuant to the Environmental Permitting (England and Wales) Regulations 2016 (Ref 1.8) (including permits for the production of cement and lime and other mineral activities (Schedule 8, Part B), waste operations and materials facilities (Schedule 9), works on the landfill (Schedule 10), asbestos (Schedule 16), water discharge activities (Schedule 21), groundwater activities (Schedule 22) and flood risk activities and excluded flood risk activities (Schedule 25);
 - e. consent(s) from the relevant sewerage undertaker to discharge waste water to a sewer pursuant to section 118 of the Water Industry Act 1991 (Ref 1.9);

- f. consent(s) from the relevant local authority or Environment Agency in relation to hazardous substances pursuant to sections 4 and 6 of The Planning (Hazardous Substances) Act 1990 (Ref 1.10) and Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 (Ref 1.11);
- g. a COMAH (Control of Major Accidents Hazards) notification from the Health and Safety Executive in relation to the storage of dangerous substances pursuant to the Control of Major Accident Hazards Regulations 2015 (Ref 1.12);
- h. approval under the Building Regulations 2010 (Ref 1.13) from the relevant local planning authority;
- i. consent(s) from the relevant local authority pursuant to section 61 of the Control of Pollution Act 1974 (Ref 1.14);
- j. notification to the Health and Safety Executive about the commencement of construction in accordance with the Construction (Design and Management) Regulations 2015 (Ref 1.15); and
- k. aviation related consents will be required from the Civil Aviation Authority (CAA) including the grant of changes to the aerodrome certificate pursuant to ADR.AR.C.035 'Issuance of certificates' of CAA Regulation UK (EU) No. 139/2014 (Ref 1.16); and Article 212 of The Air Navigation Order 2016 (Ref 1.17) and CAP791 (Ref 1.18).

1.5.4 Full details of the consents, licences, and permits that will be required are provided in the **Consents and Agreements Position Statement [TR020001/APP/2.03]**.

1.6 Overview of Consultation

1.6.1 The evolution of the Proposed Development has been informed by extensive engagement between the Applicant and the local community, local authorities, landowners and prescribed consultees.

1.6.2 The pre-application consultation process comprised the following main stages:

- a. non-statutory consultation (25 June 2018 to 31 August 2018);
- b. 2019 statutory consultation (16 October 2019 to 16 December 2019); and
- c. 2022 statutory consultation (8 February 2022 to 4 April 2022).

1.6.3 Informal stakeholder engagement has also been undertaken throughout the pre-application stage. Responses to all rounds of consultation have been carefully considered and used to inform the Proposed Development.

1.6.4 The 2018 non-statutory consultation presented options to expand the airport by making best use of the existing runway. Information on a long list of potential options was presented, and a description of the sifting process the Applicant went through to reach a short list of four options was provided. The non-statutory consultation sought views on these four options.

- 1.6.5 The purpose of the 2019 statutory consultation was to seek views on the preferred option which had been developed in response to feedback from the 2018 non-statutory consultation. Information about the preferred option was presented, including detailed information about potential impacts as set out in technical documents, including the Preliminary Environmental Information Report (PEIR), Surface Access Strategy Report, Scheme Development and Construction Report and Compensation Proposals.
- 1.6.6 After the 2019 statutory consultation had closed there were significant changes to the context in which the application for development consent was being developed, most notably the Covid-19 pandemic. Changes to the Proposed Development combined with the new context in which the application for development consent was being brought forward led the Applicant to determine that an additional round of statutory consultation should be held so that everyone had an opportunity to comment on the updated proposals.
- 1.6.7 The 2022 statutory consultation sought views on the Proposed Development as updated to reflect the 2019 feedback and wider context changes. As for the 2019 statutory consultation, detailed information about the potential impact of the Proposed Development was presented in a suite of technical reports including for example the PEIR, the Draft Surface Access Report entitled “Getting to and from the airport – our emerging transport strategy” and the Draft Need Case.
- 1.6.8 The pre-application consultation undertaken by the Applicant is documented within the **Consultation Report [TR020001/APP/6.01]** submitted with the application. This demonstrates how the Applicant’s consultation complied with statutory requirements and was informed by relevant guidance.
- 1.6.9 The **Consultation Report Appendices [TR020001/APP/6.02]** include ‘due regard’ tables for the two rounds of statutory consultation describing how the Applicant has considered the feedback received and had due regard to it in developing the Proposed Development.

2 NEED CASE AND ECONOMIC DEVELOPMENT

2.1 Introduction

2.1.1 The need for the expansion of London Luton Airport to handle up to 32 mppa is set out in detail in the **Introduction to the Application [TR020001/APP/1.03]** and **Need Case [TR020001/APP/7.04]**. However, it is also summarised in this section as it sets the context for the Proposed Development and is crucial to the determination of the application for development consent.

2.1.2 The section is structured as follows:

- a. strategic case for aviation growth;
- b. socio-economic context;
- c. future demand forecasts and capacity requirements; and
- d. summary.

2.2 Strategic case for aviation growth

2.2.1 National, regional, and sub-regional economic strategy is strongly focussed on building economic growth around linkages with the global economy. The government's Build Back Better strategy provides explicit direction for the future and identifies as a core pillar the Global Britain policy agenda, which requires enhanced international connectivity.

2.2.2 There is clear government policy support for aviation growth and for airports making best use of their runways, as set out in various national aviation policy documents including Aviation Policy Framework (APF) (Ref 2.1), ANPS, Beyond the Horizon - The future of UK aviation, making best use of existing runways (MBU) (Ref 2.2), Flightpath to the Future (FtF) (Ref 2.3), and the Jet Zero Strategy (Ref 2.4), all of which are described in further detail in Section 7.

2.3 Socio-economic context

2.3.1 The airport is situated within an internationally focussed region conceptualised as the Oxford-Cambridge Arc (encompassing Oxford, Milton Keynes and Cambridge). The area is home to concentrations of economic sectors that are demonstrably reliant on air travel and that offer significant opportunities for future growth. The international nature of the economy within the airport's 'home' region is demonstrated by the high levels of exports from the region and the high and growing proportion of regional Gross Value Added (GVA) that is supported by foreign owned companies. The sub-region (the Three Counties of Bedfordshire, Buckinghamshire, and Hertfordshire) and region around the airport contain many businesses with a high dependence on air travel.

2.3.2 Furthermore, the role of Luton Airport is important in the context of the Government's 'Levelling Up' agenda. Luton itself is identified as a high priority area for the Levelling Up Fund and has recently been awarded £20m from the Fund. The role of the airport in supporting further regeneration is recognised and future growth will substantially increase this role.

- 2.3.3 The airport is the largest employer in Luton, providing 10,900 jobs directly and supporting a further 900 jobs through its supply chain in 2019. At the national level, the airport supported 28,400 jobs and £1.8 billion in economic activity in 2019, of which 16,600 jobs and £1.1 billion of economic value was created across the Three Counties, including in Luton itself.
- 2.3.4 The future economic strategy for Luton is seeking to secure significant economic growth, including through the current London Luton Airport Enterprise Zone (which will remain until 2041). It is seeking to develop higher value-added employment, more job opportunities and to clawback current out-commuting to higher paid jobs. The potential of the aerospace sector and aviation, including the airport, to support these aspirations is well recognised as well as opportunities to attract green technology enterprises to the local area. This is fundamental to the objective of reducing levels of deprivation in the local area where growth at the airport through the Proposed Development can play a major role through both direct job generation during the construction and operational assessment phases, as well as acting as a catalyst to attracting new businesses and making it easier for existing businesses to trade internationally and expand.
- 2.3.5 The airport is already a significant economic driver in terms of its operations, supporting 11,800 jobs in Luton, 16,600 jobs in the Three Counties, 19,900 jobs in the Six Counties (the Three Counties and also Oxfordshire, Cambridgeshire and Essex) and 28,400 jobs in the UK through direct, indirect and induced impacts. The airport's total impact on Gross Domestic Product (GDP) once indirect and induced effects are included is estimated to be around £0.8 billion in Luton, £1.1 billion in the Counties, £1.3 billion in the Six Counties and £1.8 billion across the UK as a whole.
- 2.3.6 Growth to 32 mppa will enable the airport to enhance that economic role, providing more jobs to help address the very real issues in pockets of deprivation in the areas around the airport, and enhancing international connectivity to the area, making it a more attractive place to locate businesses, and, importantly, to live and work. To ensure that the local area benefits from the new employment opportunities, the application for development consent includes an **Employment and Training Strategy (ETS) [TR020001/APP/7.05]** which sets out measures to enable the local workforce to attain skills relevant to employment opportunities resulting from airport growth.
- 2.3.7 More broadly, the Local Enterprise Partnership areas around the airport have a focus on the growth of high value sectors e.g., high-performance technologies and the development of the international economy. The connectivity of the region is a key strength in this regard and further development of the airport will be important in achieving these aspirations.
- 2.3.8 It is also relevant that the airport is owned by Luton Rising, a company entirely owned by LBC. With further development, these contributions will help to deliver the Luton 2040 Vision, which has the primary priority of eradicating poverty locally, and aims to bring inclusive economic and employment growth to support improved life chances, prosperity, health, and wellbeing for all residents.

2.3.9 It is these economic imperatives that provide the context within which the need for the Proposed Development has to be assessed. The Proposed Development aims to maintain and grow the competitiveness of the regional economy and to support the Levelling Up agenda through the direct and indirect economic contribution that its growing operation can make.

2.4 Future demand forecasts and capacity requirements

2.4.1 The airport has grown rapidly in recent years, prior to the Covid-19 Pandemic, and there is increasing evidence of its economic importance in terms of providing opportunities for business travel and inbound tourism, specifically to and from Europe.

2.4.2 The airport commands a high market share of the passenger demand in the areas around it, specifically the Three Counties and also extending into North London and along the Thameslink Corridor.

2.4.3 The future demand forecasts have been developed using robust econometric methodologies, wherein underpinning assumptions in terms of economic growth and carbon costs are consistent with those used by Departure for Transport (DfT) to inform the Jet Zero Strategy, and, given the inherent uncertainties in forecasting airport demand over a long time period, reflect a reasonable range of potential forecasts, meaning that the timeframe over which the airport is expected to reach the 32 mppa for which consent is sought is between 2042 and 2049.

2.4.4 A number of underlying demand growth scenarios have been set out, taking into account economic recovery from the pandemic, carbon costs and other future drivers of the cost of air travel. Demand is expected to reach 2019 traffic levels (18 mppa) again by 2024. Different scenarios for the development of new runways at Heathrow, Gatwick, and a combination of the two have also been tested. This provides a range for the demand that London Luton Airport could handle if capacity is expanded.

2.4.5 A further factor has been the anticipated phasing of the Proposed Development, which means that growth would initially be restricted below the demand that the airport could attract if it was able to meet the 'most likely' demand growth scenario, having regard to the provision of one additional runway in the London airport system. Taking the potential phased delivery of the proposed new infrastructure, specifically Terminal 2, into account, the airport is expected to reach its proposed planning cap of 32 mppa with 2043 being the most likely date. This Most Likely scenario forms the Core Planning Case, which is considered the most reasonable basis for the application for development consent (and provides the basis for the environmental assessment) (the Core Planning Case). The Faster and Slower Growth Cases have also been developed for assessment purposes demonstrating that the airport's effects at 32 mppa are not materially different if growth is somewhat faster or slower than forecast in the Core Planning Case. The Faster and Slower Growth Scenarios examine the effects from a reasonable range of growth rates.

- 2.4.6 The Faster Growth Case sees 32 mppa achieved in 2042, based on the faster demand growth scenario for underlying growth in demand but also allows for some incremental growth above 21.5 mppa through Terminal 1 (T1) if the airlines are willing to operate more flights outside of key peak periods, as will be explained further in the **Need Case [TR020001/APP/7.04]**. On this basis, the throughput of T1 could reach 23 mppa by 2027. It also assumes that some of the (Terminal 2) T2 infrastructure could be brought into use a year or so ahead of full opening at the end of 2036 allowing some further small incremental growth above 23 mppa to be achieved ahead of the full opening of T2 assuming that some of the new apron capacity can be brought into use ahead of the opening of the terminal.
- 2.4.7 In line with the slower demand growth scenario set out above, the Slower Growth Case sees 32 mppa only being reached later in 2049.
- 2.4.8 Detailed outputs have been derived from these forecasts to inform the assessment of the impacts of the Proposed Development, including the future. These have been based to some degree on conservative principles so as to ensure that the assessments represent a reasonable worst case for the effects of the Proposed Development.
- 2.4.9 The phasing of the Proposed Development has been defined in relation to a feasible construction programme with the aim of responding to the demand as forecast.
- 2.4.10 Increased airline competition enabled by additional airport capacity has the potential to deliver lower air fares and wider consumer benefits, in addition to an estimated £512 million of journey time saving benefits for passengers to and from the Three Counties. These impacts will strongly support the economic strategies for the area, particularly in terms of supporting employment growth in some areas and the development of the international economy.

2.5 Summary

- 2.5.1 Overall, there is a strong need for the Proposed Development. As explained later in Section 7, the principle of development that makes best use of the airport's existing runway is actively supported in national aviation policy. There are a large number of businesses with international connections in the area served by the airport and these businesses need enhanced aviation connectivity in order to remain globally competitive and deliver growth in productivity and output.
- 2.5.2 Notwithstanding the effects from Covid-19, there is expected to be strong growth in demand for air travel, with the market recovering to 2019 levels by around 2024. This growth is expected to continue, and additional capacity will be required at London Luton Airport shortly thereafter if it is to continue to deliver the aviation connectivity that the area around it requires.
- 2.5.3 Expansion of the airport will deliver substantial economic benefits in terms of jobs and a boost to economic activity in the local area, thereby supporting the Government's Levelling Up agenda and other initiatives to grow the economy in Luton and beyond.

- 2.5.4 Growth of the airport brings with it additional revenue for the Applicant which increases the ability for the Applicant to contribute more to the Council as its shareholder and to the local community through its existing community funding programmes and Community First, thereby maintaining the long track record of commitments to local charities and growing future contributions.

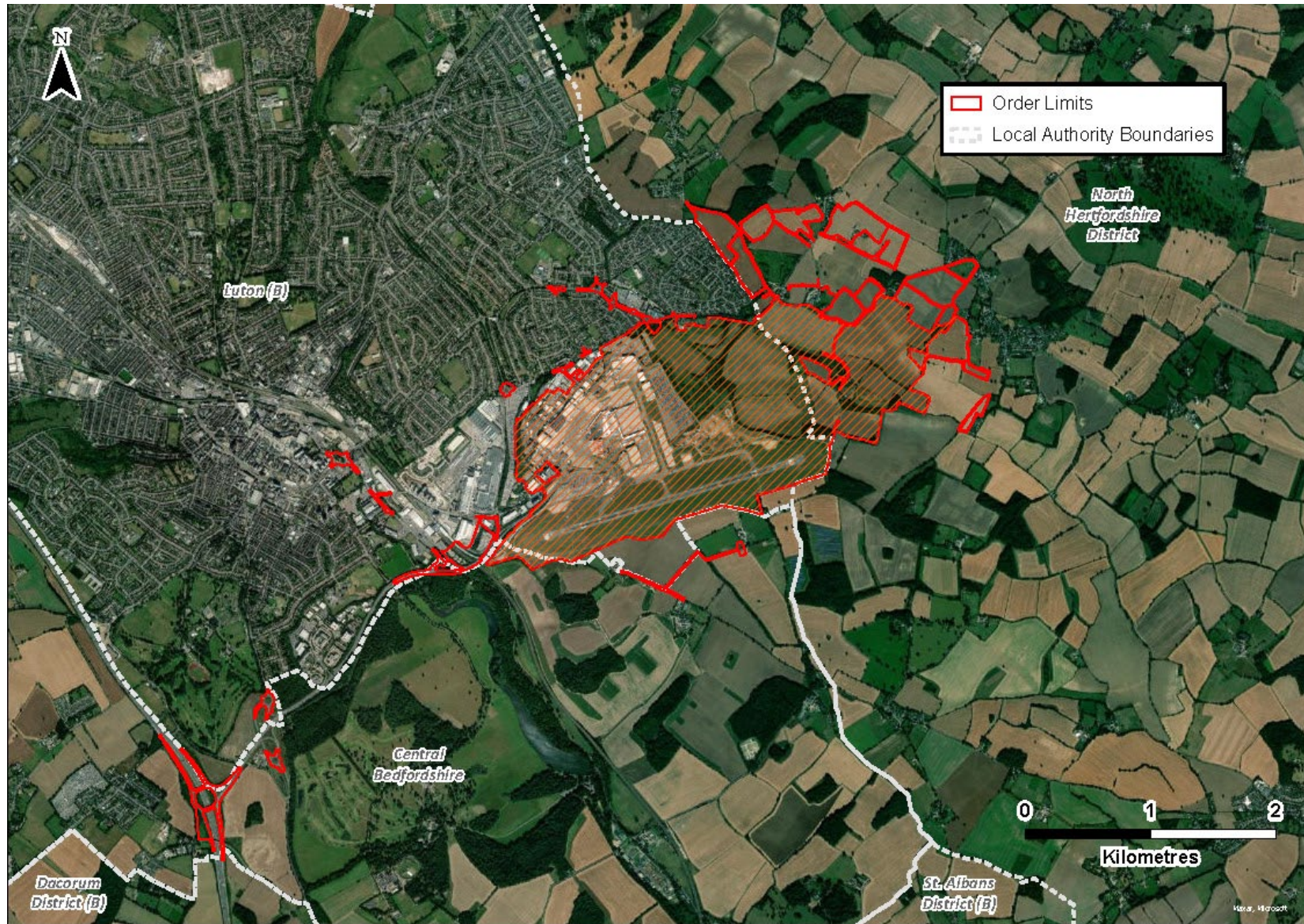
3 APPLICATION SITE

3.1 Overview

3.1.1 The land on which the Proposed Development will be constructed is referred to as the Application Site. The Application Site for the Proposed Development is shown below in **Figure 3.1**. For the purposes of the application for development consent, the Application Site has been further split into four distinct geographical components (shown in **Figure 3.2**):

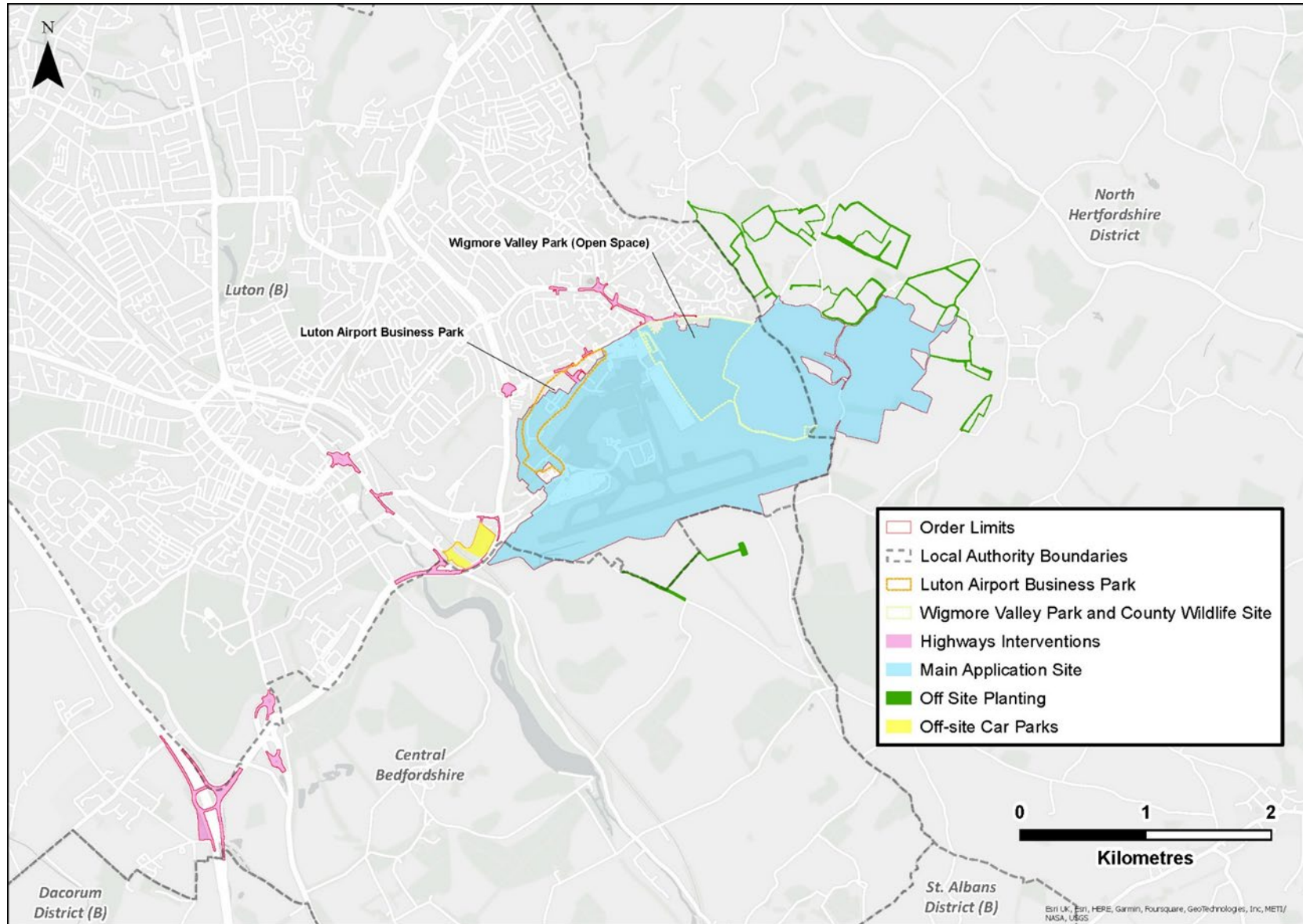
- a. the Main Application Site;
- b. Off-site Car Parks;
- c. Off-site Highways Interventions; and
- d. Off-site Planting.

Figure 3.1: Application site



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Figure 3.2: Development areas



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- 3.1.2 The full description of works is included in Section 6 of this Planning Statement.
- 3.1.3 Further details on the existing site and surroundings can be found within **Chapter 2** of the **ES [TR020001/APP/5.01]**.
- 3.1.4 Full details of the Proposed Development are provided in **ES Chapter 4 [TR020001/APP/5.01]** and the **Draft DCO [TR020001/APP/2.01]**.
- 3.1.5 The host authorities for the application of development consent are Luton Borough Council, North Hertfordshire District Council, Central Bedfordshire Council and Dacorum Borough Council.

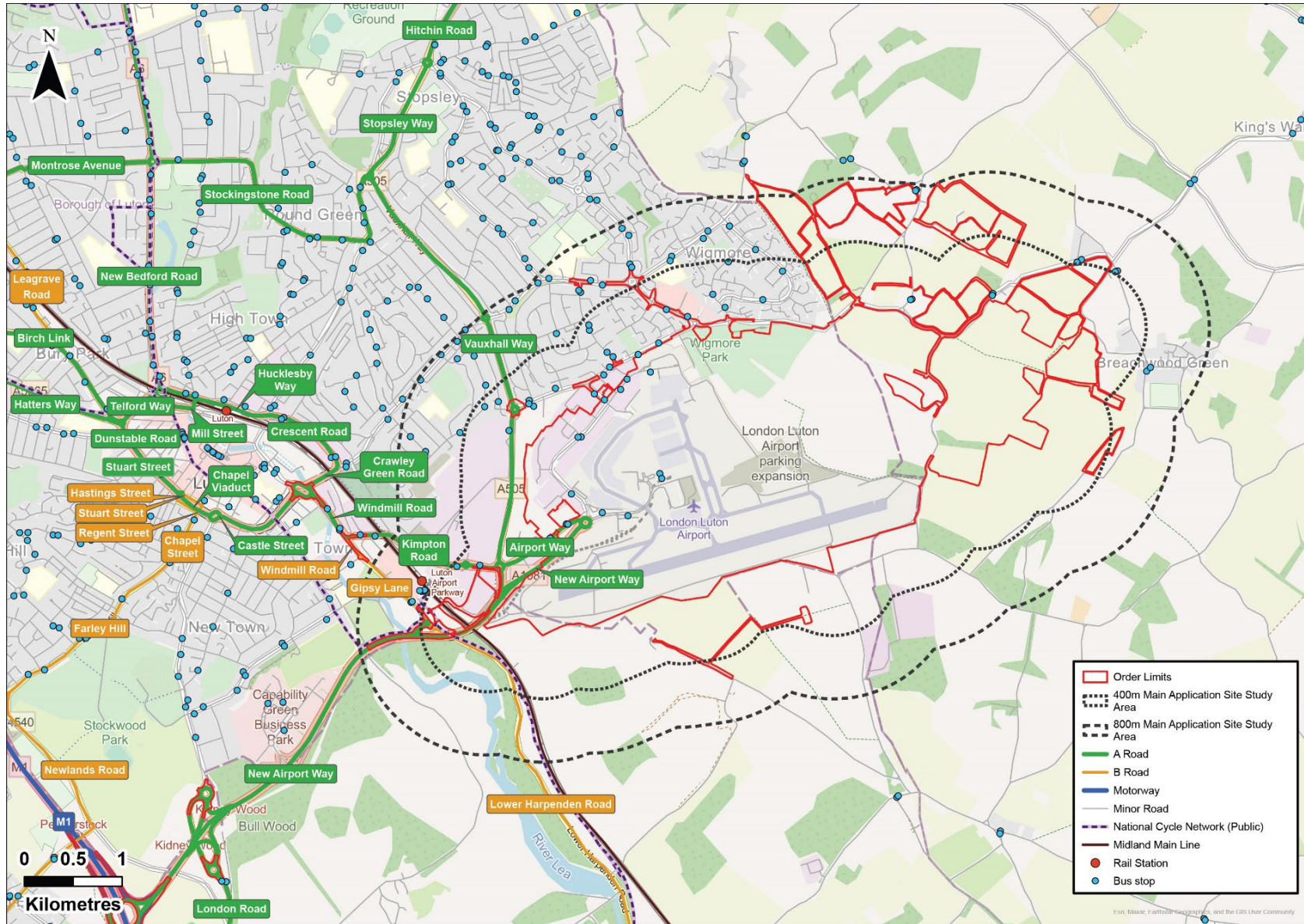
3.2 Main Application Site

- 3.2.1 The Main Application Site is located approximately 45 kilometres (km) north west of London in the south east of England. It is located to the east of Luton town centre and lies within the administrative boundary of LBC, as well as Central Bedfordshire Council and North Hertfordshire District Council as shown on **Figure 1.1** of the **ES [TR020001/APP/5.03]**.
- 3.2.2 The Main Application Site encompasses approximately 428ha of land to the east of the airport, within the administrative areas of Luton and North Hertfordshire. The key features and constraints on and in the vicinity of the site are discussed below and shown in **Figure 2.2** of the **ES [TR020001/APP/5.03]**.
- 3.2.3 The airport is located on a raised platform at the north eastern end of the Chiltern Hills. Land to the north and west of the Main Application Site is predominantly residential, mixed industrial, and rural with arable fields to the east and south.
- 3.2.4 Wigmore Valley Park is located within the boundary of the Main Application Site, directly east of the airport, as shown on **Figure 2.2** of the **ES [TR020001/APP/5.03]**. It provides open space and recreational facilities including Wigmore Valley Park Pavilion (which has been disused for several years and is in need of refurbishment), and a children's play area and a skate park. Wigmore Valley Park is designated as an Area of Local Landscape Value and parts of the park are designated as a County Wildlife Site (CWS).
- 3.2.5 A closed historical landfill is located in the north of the Main Application Site partly beneath and adjacent to the existing eastern boundary of the airport, which forms part of Wigmore Valley Park. This landfill site was operated by LBC between 1937 and 1978. Part of the Proposed Development would be constructed over the disused landfill. Further detail on the landfill site is provided in **Section 2.4** of the **Design and Access Statement (DAS) [TR020001/APP/7.03]**.
- 3.2.6 To the east of the Main Application Site is largely agricultural land with arable fields and hedgerow boundaries with scattered trees. This area crosses the LBC and Hertfordshire County Council (HCC) administrative boundary, which also marks the Green Belt boundary to the east. The Main Application Site is bordered by Darley Road to the north and intersected by Winch Hill Lane, a

rural road running through the area of Winch Hill in the east of the Main Application Site. There is a network of Public Rights of Way in this area including the Chiltern Way which follows approximately the alignment of Darley Road. There is a ridge with a band of woodland running approximately north west to south east through this area, and Winch Hill Wood, a block of ancient woodland, in the south east.

- 3.2.7 There is one occupied residential property, Winch Hill House, within the Order Limits in the Main Application Site. Winch Hill Cottages, isolated barns, and some properties at Wandon End are close to, but outside of the Order Limits.
- 3.2.8 Winch Hill Farmhouse, a disused ex-Grade II listed building in a dilapidated state, was located in the far east of the Main Application Site. Listed building consent for the demolition of Winch Hill Farmhouse was granted by North Hertfordshire District Council (NHDC) (NHDC ref. 18/03263/LBC) on 8 March 2019 and demolition took place in 2019.
- 3.2.9 Archaeological records suggest historical human activity in this area with the remains of a Roman building in the field to the east of Wigmore Valley Park.
- 3.2.10 Luton town centre is approximately 2.5km to the west of the airport. The town has a population of over 200,000 people and was traditionally dominated by manufacturing (Vauxhall Motors and others), however the area is now strongly supported by service industries, including the airport which is the largest employer in Luton.
- 3.2.11 The Main Application Site is approximately 4km from Junction 10 of the M1 motorway. The A1081 connects the M1 to the airport. The A505 passes through Luton connecting the town to Dunstable in the west and Hitchin in the north east. The local road network in relation to the Application Site is shown in **Figure 3.3**.

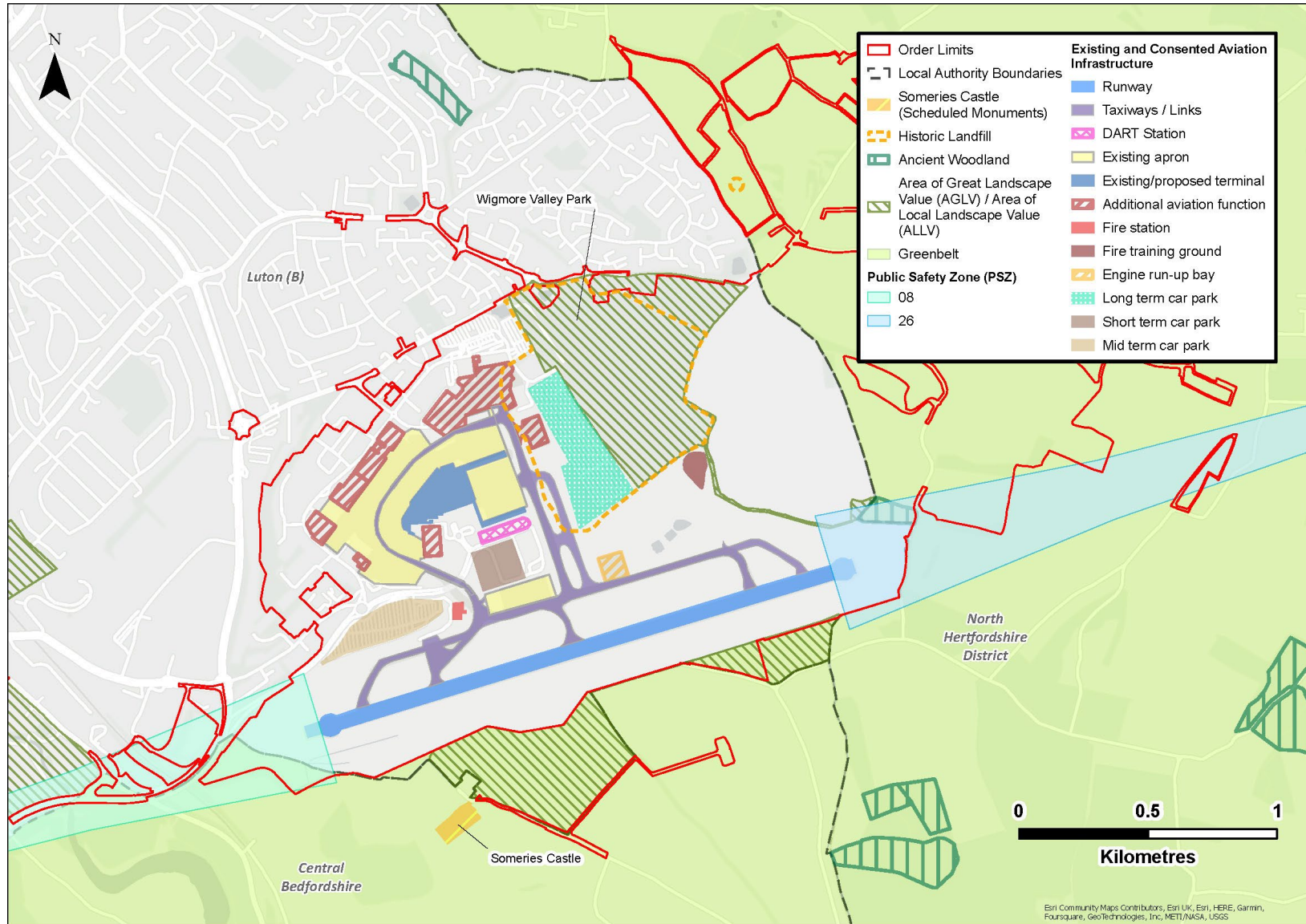
Figure 3.3: Local Transport Network



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- 3.2.12 The Midland Mainline railway line passes to the west of the airport. This is serviced by Thameslink and East Midlands trains which connect Luton Airport Parkway railway station, located approximately 1.5km from the airport, with London and Midlands urban areas via Kettering. Luton Airport Parkway railway station (see **Figure 3.3**) will be directly connected to the airport via the Luton DART system which is currently under the final stages of construction and commissioning. The Luton DART is a new cable-hauled fast passenger transit connecting Luton Airport Parkway station to the airport.
- 3.2.13 Luton Airport Business Park is located to the west and north west of the airport.
- 3.2.14 The River Lea flows to the south in a valley directly at the western end of the airport. This is an Environment Agency designated Main River.
- 3.2.15 Someries Castle, a scheduled monument, lies approximately 250m south of the Main Application Site boundary. This fortified manor house is one of the first brick-built buildings in England.
- 3.2.16 Luton Hoo Registered Park and Garden (RPG) (Grade II* listed) is located approximately 300m south west of the airport at its closest point. This estate RPG contains several listed structures including the Luton Hoo Hotel and terraced wall garden (Grade I); stables (Grade II*); boathouse, bridge, lodges, and garden centre (Grade II). Although the airfield is located on a raised platform, only part of the control tower and the top of airport buildings are visible from Luton Hoo RPG.
- 3.2.17 These can be viewed on the Site Constraints Plan in **Figure 3.4**.

Figure 3.4: Site Constraints Plan



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3.3 Off-site Car Parks

- 3.3.1 Off-site Car Parks are shown in **Figure 2.2** of the **ES [TR020001/APP/5.03]**. The areas of the sites where southern and northern off-site car parks would be located are 1.04 ha and 2.41 ha of land respectively.
- 3.3.2 The two locations for the proposed Off-site Car Parks to be delivered as part of the Proposed Development are to the south west of the airport, adjacent to either side of the Midland Mainline. This land is owned by the Applicant.
- 3.3.3 The larger of the two sites is located to the north of the Midland Mainline and is currently a trailer park, generally used as parking for Heavy Goods Vehicles. The smaller site, which is located to the south of Midland Mainline, is a disused area of hardstanding which was previously used as a car park. The sites are located in a commercial area dominated by existing transport infrastructure; bordered by Parkway Road and the A1081 to the south, New Airport Way and the A1081 to the east, Kimpton Road and industrial units to the north. The Midland Mainline railway passes between the two sites. Each site contains a border of trees and scrub.
- 3.3.4 These sites are partially located in the airport's Public Safety Zone (PSZ), an area at the end of runways within which development is restricted in order to control the number of people on the ground at risk of death or injury in the event of an aircraft accident on take-off or landing, as shown in **Figure 15.3** of the **ES [TR020001/APP/5.03]**. The development of long stay and employee car parking (where the minimum stay is expected to be in excess of six hours) in this zone is permitted.

3.4 Off-site Highways Interventions

- 3.4.1 The Proposed Development would include several sites where highway improvements would be required to facilitate the increasing airport capacity. The location and nature of these interventions has been determined by detailed traffic modelling. These interventions are described in individual Work Numbers (Work No.) in **Chapter 4** of the **ES [TR020001/APP/5.01]** and draft **DCO Schedule 1 [TR020001/APP/2.01]**, including the indicative timing and area of the work, and locations shown in **Figures 4.1 to 4.3** of the **ES [TR020001/APP/5.03]**.
- 3.4.2 In total an area of approximately 24ha is included within the Order Limits for off-site highways interventions including works to the following roads:
- a. Windmill Road and Kimpton Road.
 - b. A1081 New Airport Way, B653 and Gipsy Lane.
 - c. A1081 New Airport Way, A505 Kimpton Road and Vauxhall Way.
 - d. Eaton Green Road and Lalleford Road.
 - e. Wigmore Lane and Crawley Green Road.
 - f. Eaton Green Road and Wigmore Lane.

- g. A1081/London Road (North).
- h. (A1081/London Road (South).
- i. Windmill Road/Manor Road/St. Mary's Road/Crawley Green Road.
- j. Crawley Green Road/Lalleford Road.
- k. A602 Park Way/A505 Upper Tilehouse Street.
- l. A505 Moormead Hill/B655 Pirton Road/Upper Tilehouse Street.
- m. A602 Park Way/Stevenage Road.
- n. M1 Junction 10.
- o. Eaton Green Road/Frank Lester Way.
- p. A505 Vauxhall Way/Eaton Green Road.

3.4.3 The above list excludes the proposed AAR, which is considered as part of the Main Application Site.

3.5 Off-site Planting

3.5.1 The Proposed Development would include sites where off-site planting is required to mitigate likely effects identified through the EIA process. These are shown on **Figure 2.2** of the **ES [TR020001/APP/5.03]** and would consist of agricultural field margins both to the north east and south of the Main Application Site.

The Order Limits include areas for access to and maintenance of the proposed 7km of hedgerows, however the areas will remain in normal agricultural use and are therefore not lost. In total, an approximate area of 16ha is included in the Order Limits for delivery and maintenance of off-site planting.

4 PLANNING HISTORY

4.1 Overview

4.1.1 An overview of the planning history relevant to the Application Site is present in **Appendix A**.

4.1.2 A number of airport related developments are currently at various stages of planning and delivery at the airport. These developments and their potential relationship and interaction with the Proposed Development are briefly described in this chapter. This includes:

- a. Terminal 1 Application;
- b. Project Curium and variation of Condition 11(i);
- c. variation of condition application to accommodate 19 mppa and to amend the day and night noise contours;
- d. South East Apron;
- e. Luton DART;
- f. reuse and placement of spoil from Luton DART and Project Curium under a separate planning consent;
- g. Enterprise Zone:
 - i. Bartlett Square; and
 - ii. Green Horizons Park (formerly known as New Century Park).

4.2 Terminal 1 Application

4.2.1 A planning application was submitted in 1997 (LBC ref. 98/01096/FUL) and comprised the construction of alterations and extensions to the terminal building; aircraft stands; first phase of a parallel taxiway and remodelling of the car park and drop off area.

4.2.2 Notably the wording of Condition 11, which formed part of the grant of permission to the 1998 Application, set the basis for the airport's noise control limits, stating:

“Before any part of the development hereby permitted is commenced an annual noise control scheme shall be submitted to and approved by the Local Planning Authority and the Airport Consultative Committee which sets out proposals relating annual aircraft noise from the Airport's Operation to the Forecast ATM and Contours 1999 (16 hours and 8 hours with development), submitted in the London Luton Airport Environmental Statement dated 8th September 1997 prepared by Stanger Science and Environment on behalf of London Luton Airport Ltd., and which ensure that in any event, this does not exceed the impact as measured in terms of land area affected for 1984. The submitted proposals shall include, but shall be confined to, the following:-

- (i) Annually submitted daily movement register information,*
- (ii) Leq noise contours for the preceding and current calendar year and forthcoming calendar year for both the daytime (0600 - 2200 hours GMT) and*

*night-time (2200 - 0600 hours GMT) periods,
(iii) Arrangements for the verification of the submitted information.”*

4.3 Project Curium and variation of Condition 11(i)

- 4.3.1 Project Curium involves extensions to the passenger terminal, construction of additional aircraft stands and new taxiways, improvements to transport links (including new car parking facilities and remodelling of the bus and coach interchange) to increase the capacity of the airport from 12 mppa to 18 mppa.
- 4.3.2 Planning permission was granted in 2014 for works to accommodate passenger capacity up to 18 mppa, by as early as 2021 (subject to demand) (LBC ref: 12/01400/FUL).
- 4.3.3 Condition 10 of permission LBC ref: 12/01400/FUL stated:

At no time shall the commercial passenger throughput of the airport exceed 18 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.

Reason: To enable the Local Planning Authority to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding area. To accord with the objectives of Policy LP1 of the Luton Local Plan and the National Planning Policy Framework.

- 4.3.4 Works already completed include:
- a. extension of the Southern Apron for additional aircraft stands (to deliver additional commercial remote stands);
 - i. reconfiguration of external areas for surface access improvements including works to the Drop Off Zone (DOZ);
 - ii. Taxiway Foxtrot and new aircraft de-icing facilities; and
 - iii. extension and reconfiguration of the passenger terminal.
- 4.3.5 Works underway or remaining include:
- a. additional apron and taxiway works.
- 4.3.6 When Project Curium is complete, the Proposed Development would tie into the final apron and taxiway works.
- 4.3.7 At the time of the approval of LBC ref.12/01400/FUL, four noise related conditions were imposed. Three concerned airborne related noise and one concerned ground noise. These conditions included a number of controls and requirements for the monitoring of noise. Further controls and monitoring were included within the S106 Legal Agreement.
- 4.3.8 As a result of this development, there would an expected increase in the passenger carrying capacity of the airport over a period up to 2028 to 18 mppa,

requiring 156,840 annual aircraft movements (in 2011 the airport handled 9.5 mppa with annual aircraft movements amounting to 99,299). Therefore, on 25 June 2015, LLAOL, the current operator of the airport, submitted an application (LBC ref. 15/00950/VARCON) to vary section (i) of Condition 11 (Noise violation limits) of permission LBC ref.12/01400/FUL as follows:

11. (i) Within six months of the commencement of the development, a progressive reduction in the night-time (2300-0700) maximum Noise Violation Limits (NVL) by the noisiest aircraft shall be implemented, as follows:
82dB(A) from the date of the commencement of development
80dB(A) from 1st April 2015
79dB(A) from 1st January 2020
77dB(A) from 1st January 2028

4.3.9 LBC appointed independent noise consultants to ascertain whether the variation of the condition as proposed by the Applicant would give rise to a demonstratively adverse impact in terms of aircraft noise, on residents surrounding the airport and to provide advice with regard to the appropriateness of the existing condition and variation proposed. The application was subsequently permitted on 13 October 2017.

4.4 South East Apron

4.4.1 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 eight new commercial aircraft stands to be known as the South East Apron. LBC confirmed on 29 January 2020 that it had no objection to this development being carried out.

4.4.2 On 10 October 2022, LBC stated no objection to the proposals that formed part of the consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 (Ref 4.1) for the reconfiguration of commercial and general aviation stands.

4.5 Application to accommodate 19 mppa

4.5.1 LLAOL, the current operator of the airport, has submitted an application (LBC ref: 21/00031/VARCON) to the Luton Borough Council (LBC), the Local Planning Authority (LPA), for a 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 mppa and to amend the day and night noise contours currently consented.

4.5.2 There are no physical or infrastructure changes associated with these proposed variations that would seek to change the external appearance, height, scale, mass, or layout of elements associated with the 2014 Planning Permission.

4.5.3 On 1 December 2021, LBC resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. The application was subsequently called-in and referred to the

SoS for determination instead of being dealt with by the LPA. The inquiry to consider the called-in application opened on Tuesday 27 September 2022 and ran until Friday 18 November 2022. At the time of submission of the application for development consent, the outcome of the inquiry is still unknown. More detail on the relationship of the application to accommodate 19 mppa with this application for development consent is provided in Section 6.7.

4.6 Luton Direct Air Rail Transit (Luton DART)

- 4.6.1 Planning permission was granted in 2017 (LBC ref: 17/00283/FUL) for the construction of an approximately 2km twin track cable-driven system between Luton Airport Parkway railway station and the airport's Central Terminal.
- 4.6.2 The Luton DART comprises a terminal connected to Luton Airport Parkway railway station, tracks mounted on a viaduct adjacent to the Midland Mainline railway, which join a bridge over the A1081 (Airport Way) road, leading to a cut, trough, and tunnel within the airport, terminating at another terminal in the Central Terminal Area (CTA). The new two storey terminal constructed adjacent to Luton Airport Parkway railway station will provide a connecting bridge link between the two stations.
- 4.6.3 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, provided to compensate, in part, for parking spaces lost to the DART) and a new drop off zone directly adjacent to MSCP1. LBC subsequently confirmed no objection, and the development has since been constructed under permitted development rights.
- 4.6.4 Construction for the project started in 2018 and is now complete. The system will open in 2023.

4.7 Spoil reuse and placement from the Luton DART and Project Curium

- 4.7.1 Planning permission was granted in 2018 (LBC ref: 17/02219/FUL) for the movement, reuse and placement of spoil material generated from Project Curium and Luton DART.
- 4.7.2 The spoil from the Luton DART and Project Curium will be used to re-profile slopes around the airport to improve essential maintenance operations for the airport, and to prevent large volumes of construction traffic movements on the public network. Up to 331,400m³ of spoil material will be moved and placed permanently on six sites within the airport and the airside perimeter road at the eastern end of the airport will be diverted.
- 4.7.3 Project Curium is still under construction, therefore this project is still in progress.

4.8 Enterprise Zone

4.8.1 The Applicant has plans to develop a combined office and hotel development, and a business park within Luton Airport Enterprise Zone (designated in 2015 until 2041). These developments, known respectively as Bartlett Square and Green Horizons Park, seek to provide employment generation for the local community. Together they constitute approximately 900,000 square feet of commercial space sited within the Enterprise Zone. The two schemes are described further in the following sections.

Bartlett Square

4.8.2 Bartlett Square, formerly known as Stirling Place, is located to the east of the Luton Airport Parkway railway station, adjacent to the Luton DART terminal which is under construction. A planning application for a hotel with a capacity for 172 rooms, incorporating Hart House, one six storey office building, and a multistorey car park, with an outline application for another nine storey office building with commercial space was submitted by the Applicant in February 2018 (LBC ref: 18/00271/EIA). LBC granted planning permission for Bartlett Square in January 2020.

4.8.3 A further planning application for a small area of public realm was submitted in July 2021 (LBC Ref: 21/01082/FUL). This was approved on 04 November 2021.

Green Horizons Park

4.8.4 Green Horizons Park, formerly New Century Park, is a proposed high quality mixed-use business park to the east of the airport, which includes the construction of a new access road (referred to in the planning application as Century Park Access Road (CPAR)) connected to Airport Way to the west of the airport.

4.8.5 The planning application (LBC ref: 17/02300/EIA) comprises office space (Class B1), warehouse and industrial space (Class B2 and B8), mixed employment space (Class B1/B2/B8), a hotel (Class C1), café space (Class A3); energy recovery centre (sui generis), internal access roads, car parking, landscaping and associated works including earthworks, utility diversions, sustainable drainage systems, tree removal and tree protection.

4.8.6 An outline application was submitted by Luton Rising in December 2017, and in Spring of 2019 LBC resolved to grant planning permission, subject to completion of legal agreements. The application was subsequently approved in June 2021.

4.8.7 Improvements to Wigmore Valley Park as part of the Green Horizons Park proposals include refurbishment and extension to the Wigmore Valley Park Pavilion building as well as replacement children's play areas and skate park.

4.9 Cumulative Development

In terms of wider development and potential effects, a cumulative assessment has been undertaken for the purposes of EIA and is provided within **ES Chapter 21** Cumulative Effects Assessment [TR020001/APP/5.01].

5 THE PROPOSED DEVELOPMENT

5.1 Introduction

5.1.1 This section describes the Proposed Development for which consent is sought. The Proposed Development is set out in Schedule 1 of the **DCO [TR020001/APP/2.01]** and is characterised by the retention of the existing runway, expansion of the existing passenger terminal, and the provision of a new passenger terminal on land owned by the Applicant and LBC, to the north east of the runway, to provide an overall passenger capacity of 32 mppa.

5.1.2 To achieve this additional capacity, the total number of aircraft stands needs to increase; therefore, the extent of the apron needs to expand, and additional taxiways need to be provided. Additional infrastructure to serve increased passenger numbers, including terminal, surface access, and expanded airport support facilities need to be provided.

5.2 Description of development

5.2.1 The main elements of the Proposed Development comprise the following:

- a. Extension and remodelling of the existing passenger terminal (Terminal 1) to increase its capacity;
- b. new passenger terminal building and boarding piers (Terminal 2);
- c. earthworks to create an extension to the current airfield platform; the vast majority of material for these earthworks would be generated on site;
- d. airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- e. landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
- f. enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;
- g. extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
- h. landscape and ecological improvements, including the replacement of existing open space; and
- i. further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040³, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and

³ This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

5.2.2 A detailed description of the Proposed Development is provided in **ES Chapter 4** the Proposed Development [TR020001/APP/5.01].

5.3 Reference design and parameters

5.3.1 Reference designs have been developed to allow appropriate consideration of the potential scale, parameters, function and construction and operational resource requirements of each of the assets identified within the Proposed Development. Further descriptive information for these reference designs is provided in the **Design and Access Statement (DAS)** [TR020001/APP/7.03]. These designs were used to generate the parameters which have informed the EIA and other technical assessments.

5.3.2 The additional capacity will be delivered in increments that appropriately respond to demand over time. Certain infrastructure improvements would need to be provided in full early to avoid undue disruption.

5.3.3 To retain flexibility in the final design, maximum parameters for height and extent have been defined and used in the assessment of environmental effects to ensure a reasonable worst case has been assessed. Further detail is provided in **Chapter 5** of the **ES** [TR020001/APP/5.01].

5.4 Work Numbers

5.4.1 The Proposed Development has been divided into Works according to the main types of Works listed below:

- a. site wide major works to enable development (Work No. 1) including earthworks, landfill remediation and the diversion and extension of services;
- b. airfield work (Work No. 2) including stands, runways accesses, taxiways, aprons, Surface Movement Radar (SMR), airfield equipment; Ground Service Equipment (GSE), fire training ground and Engine Run Up Bays (ERUB);
- c. terminal and associated works (Work No. 3) including extensions to Terminal 1, new Terminal 2 with plaza and support facilities, coach station, drop off zones, and Luton DART (Direct Air-Rail Transit) Terminal 2 Station and Tunnel Extension;
- d. airport support facilities (Work No. 4) including a new hotel, hangars, fuel storage facility, fuel pipeline, water treatment plant, solar battery storage, car parks, police station, infiltration tank, and substations;
- e. landscape and mitigation (Work No. 5); including enhancements to Wigmore Valley Park, replacement open space, landscape restoration, habitat creation, and off-site hedgerow restoration screening; and

- f. highways (Work No. 6) including Airport Access Road and Link Road, public roads, operational roads, and various off-site highway interventions.

5.4.2 Full details of the Works are provided in **ES Chapter 4 [TR020001/APP/5.01]** and the **Draft Development Consent Order [TR020001/APP/2.01]**.

5.5 Assessment Phasing of the Proposed Development

5.5.1 It is recognised that delivery of the Proposed Development will take several years, during which time the airport will remain operational.

5.5.2 For the purposes of the EIA and other supporting technical assessments, the Proposed Development has been split into three assessment phases, on the basis of when different levels of passenger throughput, with appropriate facilities in place, are expected to be reached as follows:

- a. Assessment Phase 1 – a core case of 21.5 mppa by 2027.
- b. Assessment Phase 2a – a core case of 27 mppa by 2039 when T2 opens.
- c. Assessment Phase 2b – a core case of 32 mppa by 2043 when T2 is fully built out.

5.6 Green Controlled Growth Framework

5.6.1 Expanding the airport to make best use of the existing runway offers employment and economic benefits, which are set out in Section 9.3 and also the **Need Case [TR020001/APP/7.04]**. However, it is intended that the airport must only expand in a sustainable way that safeguards the needs of future generations. Importantly, it is recognised that expansion of the airport has the potential to increase the airport's environmental effects, notwithstanding that the proposals put forward will do their utmost to avoid or ameliorate those effects. Green Controlled Growth (GCG), as explained in the **Green Controlled Growth Explanatory Note [TR020001/APP/7.07]** and secured through the **Green Controlled Growth Framework [TR020001/APP/7.08]** is proposed as a key element of this approach.

5.6.2 GCG is a binding framework for managing the growth and operation of the airport through the coming decades within definitive environmental limits. The EIA addresses 15 separate environmental topics in addition to the in-combination and cumulative effects of the Proposed Development. It is proposed that GCG focuses on four key environmental topics which are directly linked to the throughput of the airport and where, therefore, environmental effects on communities have the greatest potential to change as the numbers of flights and passengers using the airport increase over time. GCG will therefore manage the effects associated with:

- a. aircraft noise, via a Noise Envelope;
- b. air quality;

- c. greenhouse gas emissions (for airport operations and surface access); and
- d. surface access.

5.6.3 These are considered to be the most appropriate topics for GCG to cover for several reasons. They are the environmental topics that could result in adverse environmental effects that are most closely correlated with the growth of the airport in terms of passenger numbers and aircraft movements. As a consequence, these are the effects that are subject to greater potential uncertainty over time, as the extent of these effects will change as the airport expands.

5.6.4 The assessment of performance against the Limits for the four environmental areas listed above will be undertaken annually, with defined monitoring and reporting requirements set out as part of the framework and secured as a requirement of the DCO. GCG considers the changes in overall environmental effects in these four areas as the airport grows over time, to ensure the 'reasonable worst case' assessment in the EIA is not exceeded.

5.6.5 Where monitoring has shown that a Limit has been exceeded, the airport will not be able to continue growing until a specific series of steps has been followed and the exceedance brought back within Limits through a mitigation plan which shows how this will be controlled, as defined by the framework. Compliance with each of these steps will be secured through requirements of the DCO, and enforcement action could be taken if growth at the airport continued in contravention to the GCG Framework.

5.6.6 To oversee the GCG Framework, a new, independent body known as the ESG will be established. As the airport grows, environmental monitoring will be undertaken and submitted annually to the ESG, via a series of topic-specific Technical Panels. Both the ESG and Technical Panels may include representatives of local authorities and independent technical specialists. The ESG will also be responsible for approving mitigation measures if a limit was exceeded at any point. In this way, ESG will provide independent oversight and scrutiny of the airport's growth and impact.

5.6.7 The key elements of the legally binding GCG Framework secured through the DCO are therefore:

- a. legally binding Limits on environmental effects in four key areas;
- b. a series of processes to be followed as environmental effects reach Thresholds defined below these Limits;
- c. ongoing monitoring of the actual environmental effects of expansion and operations at the airport in four key areas;
- d. independent oversight of environmental effects associated with the operation of the airport; and
- e. an explicit commitment to link environmental performance to growth at the airport.

- 5.6.8 The GCG Framework, along with the **Terms of Reference and Monitoring Plans**, will be secured by Schedule 2 and ‘certified’ pursuant to Schedule 8 of the **Draft Development Consent Order [TR020001/APP/2.01]**. Certification creates an official record of the document which can be referred to by the DCO meaning that it cannot be altered after the DCO is made, other than by an application to vary it. However, the document itself may incorporate mechanisms by which any limitations (e.g. GCG Thresholds) could be varied notwithstanding the ‘certified document’ itself would not change.
- 5.6.9 Part 3 of Schedule 2 of the **Draft Development Consent Order [TR020001/APP/2.01]** will secure the requirement to follow the processes of the GCG Framework, including requirements to undertake monitoring and reporting, requirements when Level 2 (L2) Thresholds and Limits are reached, and what the values of those Thresholds and Limits are.

5.7 Development of related strategies

- 5.7.1 As part of this application for development consent, a number of supporting strategies and plans are provided as detailed in **Table 5.1** below.

Table 5.1: Proposed Strategies

Strategy	Summary
GCG Framework [TR020001/APP/7.09]	GCG is a framework that has been developed since the 2019 Statutory Consultation took place to address the feedback received on environmental concerns, and the strong desire indicated by stakeholders for the airport to be more ambitious in its approach to reducing and mitigating the environmental effects of expansion.
Surface Access Strategy (SAS) [TR020001/APP/7.12]	<p>The SAS will cover a 20-year period and help to shape and guide the long-term growth of the airport with a clear vision and objectives. The objectives of the SAS will be realised through the preparation of Travel Plans, produced every 5 years, which will set out the specific objectives and interventions for surface access during that shorter time period. The framework for these future documents is contained in the Framework Travel Plan [TR020001/APP/7.13].</p> <p>This document summarises how the implementation of the SAS and progress against its objectives, including how mode share limits and surface access targets, will be monitored in the future through the Green Controlled Growth (GCG) Framework [TR020001/APP/7.08] and the Framework Travel Plan [TR020001/APP/7.13] respectively.</p>
Framework Travel Plan (FTP) [TR020001/APP/7.13]	The FTP will support the Proposed Development by ensuring that surface access trips to and from the airport

	<p>are made by sustainable modes where possible. The FTP will identify interventions and measures that can be deployed to minimise single occupancy car use and to encourage sustainable travel to and from the airport.</p>
<p>Air Quality Monitoring Plan [TR020001/APP/7.08]</p>	<p>This Monitoring Plan has been submitted as part of the proposed GCG Framework. The document will establish monitoring and reporting requirements for air quality within GCG. Failure to carry out monitoring and reporting in line with this document will constitute a breach of the DCO and may result in enforcement action.</p>
<p>Greenhouse Gases (GHG) Monitoring Plan [TR020001/APP/7.08]</p>	<p>This Monitoring Plan has been submitted as part of the proposed GCG Framework. The document will establish monitoring and reporting requirements for GHG within GCG. Failure to carry out monitoring and reporting in line with this document will constitute a breach of the DCO and may result in enforcement action.</p>
<p>Operational Noise Management (Explanatory Note) [TR020001/APP/5.02]</p>	<p>This document contains the Operational Noise Management Plan which provides further detail and explanation of the mitigation and compensation described in the assessment presented in Chapter 16 Noise and vibration of the Environmental Statement (ES) [TR020001/APP/5.01].</p> <p>To mitigate the effects of the Proposed Development, a range of measures are proposed as described in the following sub-sections. In line with aviation policy and government’s policy on sustainable development, the Proposed Development includes noise mitigation measures to:</p> <ul style="list-style-type: none"> a. limit and, where possible, reduce the number of people significantly affected by adverse impacts from aircraft noise; b. prevent unacceptable adverse effects on health and quality of life from noise; c. avoid significant adverse effects on health and quality of life from noise; d. mitigate and minimise adverse effects on health and quality of life from noise; e. where possible contribute to improvements of health and quality of life from noise; and f. share the benefits of future technological improvements between the airport and its local communities to

	achieve a balance between growth and noise reduction.
Employment and Training Strategy (ETS) [TR020001/APP/7.05]	<p>The key purpose of the ETS is to ensure that as many of the jobs generated by the Proposed Development as possible go to the residents of Luton and the ETS Study Area.</p> <p>The ETS sets out how the Applicant and its strategic partners can maximise employment benefits of the expansion for the ETS Study Area through collaborative and good practice approaches to employment and training support for residents and businesses.</p>
Mitigation Route Map [TR020001/APP/5.09]	<p>This mitigation route map has been prepared in order to demonstrate that all necessary environmental mitigation measures for the Proposed Development have been identified and secured. The purpose of this document is therefore to:</p> <ol style="list-style-type: none"> a. provide an audit trail of the controls and mitigation measures on which the ES [TR020001/APP/5.01], including related assessment documents, relies on to avoid, reduce and/or offset significant effects of the Proposed Development; and b. set out the way in which they have been, or how it will be, translated into clear and enforceable controls; either via DCO Requirements, development consent obligations or matters regulated under other consent regimes, e.g., environmental permitting (see Consents and Agreements Position Statement [TR020001/APP/2.03]).
Code of Construction Practice (CoCP) [TR020001/APP/5.02]	<p>Clear objectives have also been set within the CoCP for resource and waste management throughout the construction of the Proposed Development. These include the promotion and enhancement of circular economy principles through re-use and recycling, and promotion of sustainable procurement throughout the supply chain. The CoCP also confirms that materials (made ground and natural soils) outside of the area of historical landfill will be reused in accordance with the Materials Management Plan (MMP).</p>
Outline Remediation Strategy for the Eaton Green Landfill (RS) [TR020001/APP/5.02]	<p>The Outline Remediation Strategy includes construction assessment phase measures to reduce risks to human health and the environment by the creation of an engineered cover system (which will include a gas</p>

	management system) across the former landfill both landside and airside.
Outline Soil Management Plan (SMP) [TR020001/APP/5.02]	The Outline SMP, developed in accordance with Defra's CoCP for the Sustainable Use of Soils on Construction Sites (2009), further outlines measures for the management of soils during the construction assessment phase.
Outline Landscape and Biodiversity Management Plan (LBMP) [TR020001/APP/5.02]	The Outline LBMP has been prepared to set out the high-level requirements for the establishment, management and monitoring of proposed landscape and biodiversity areas in relation to the Proposed Development. Measures include, but are not limited to: <ul style="list-style-type: none"> a. mitigating potential displacement and the loss of foraging habitat (due to lighting) for bats and birds; b. delivering habitat creation at the margins of the airport development and associated infrastructure to act as a screen between the Proposed Development and adjacent habitats; and c. providing directional lighting measures at Wigmore Valley Park (the designated nature conservation site) to limit light spill onto adjacent habitats.
Site Waste Management Plan (SWMP) [TR020001/APP/5.02]	Adherence to targets for waste recovery as defined in the SWMP which will be prepared by the lead contractor and must be substantially in accordance with the Outline Site Waste Management Plan (OSWMP). The lead contractor will select and appoint an appropriately licenced waste management company/companies to manage and transport waste in line with current waste legislation and policy, and to meet the waste recovery targets as defined in the OSWMP and SWMP.
Outline Operational Site Waste Management Plan (OOSWMP) [TR020001/APP/5.02]	The purpose of this Plan is to demonstrate how waste will be managed during the operational assessment phase of the Proposed Development. The operator of the airport shall use this Plan to develop the Operational Waste Management Plan (OWMP) and thereafter manager waste generated by the Proposed Development in accordance with that OWMP. Production of the OWMP and adherence to a waste target will be secured through the DCO Requirements.

5.8 S106 Agreement

Introduction

- 5.8.1 It is proposed that Luton Rising will submit one or more obligations made under section 106 of the Town and Country Planning Act 1990 in support of its application for development consent.
- 5.8.2 The Heads of Terms (HoTs) for such obligation(s) are set out within this document and are considered appropriate in order to make the Proposed Development acceptable in planning terms. The HoTs summarised here give a high-level overview of the substantive obligations that will be included in the section 106 obligation(s) and do not outline the standard legal boilerplate provisions that would be included within the section 106 obligation(s).
- 5.8.3 It is intended that the HoTs will be a working document and that the obligation(s) itself will be drafted, negotiated, and completed during the course of the DCO examination. These HoTs will be shared with the local authorities and discussions will be continuing.
- 5.8.4 The section 106 obligation(s) will be conditional upon:
- a. the grant of the DCO by the Secretary of State; and
 - b. the giving of written notice to the relevant local planning authority of the intention to implement the DCO over the land covered by the relevant s106 agreement.

Parties

- 5.8.5 There are a number of 'host' local authorities plus London Luton Airport Operations Limited (LLAOL) as the airport operator and Luton Rising as the Applicant.
- a. Luton Rising as the Applicant.
 - b. Luton Borough Council (LBC) as the relevant local planning authority.
 - c. London Luton Airport Operations Limited (LLAOL).
 - d. Central Bedfordshire Council.
 - e. Dacorum Borough Council.
 - f. Hertfordshire County Council.
 - g. North Hertfordshire Council.

Obligations

- 5.8.6 This section sets out an overview of the likely obligations that the Applicant considers are appropriate. These obligations should be considered alongside the DCO Requirements (and for the avoidance of doubt will not be replicated in the DCO as requirements). The content and detail of the obligations will be developed in consultation with the local authorities.

Re-provision of sports pitches

- 5.8.7 The Green Horizons Park development would not be implemented in full as per that planning permission (see Section 6.7 below). Funding for other related projects in Luton will be provided. Replacement pitches were being delivered through the Green Horizons Park permission.

Future Management of Wigmore Valley Park

- 5.8.8 The DCO proposals include establishing a Community Trust to run and maintain Wigmore Valley Park and funding may be provided to the Trust through the section 106 obligation(s). This may also include the habitat creation land beyond the park.

Noise compensation scheme

- 5.8.9 The noise compensation scheme will be secured in the s106 obligation(s). Other than the exceptional hardship scheme, the obligation to carry out the compensation policy will be on LLAOL as the airport operator, this also includes the Community First scheme as set out in the **Compensation Policies, Measures and Community First [TR020001/APP/7.10]** document.
- 5.8.10 Any variations to the policy would need to be agreed with Luton Rising and the relevant LPA. It is intended that the policy be subject to review and that the review mechanism will tie in with the Green Controlled Growth obligations (rather than being linked to inflation).

Employment and Training Strategy

- 5.8.11 The Employment and Training Strategy (ETS) sets out in greater detail the strengths and needs of the local area around skills and training, the job opportunities expected to be created through expansion, and the goals and actions proposed to prepare the community to take advantage of these opportunities. It is anticipated that the implementation of the ETS will be secured through the section 106 obligation(s).

Green Controlled Growth

- 5.8.12 The funding elements of Green Controlled Growth will sit within the section 106 obligation(s) with the main obligations secured through the DCO.

Highway Works

- 5.8.13 Off-site Highway mitigation works will likely be secured through section 278 agreements but may be funded through section 106 contributions.

Prospect Day Nursery

- 5.8.14 The re-provision of a nursery to ensure that local nursery places are not lost will be secured in the s106.

5.9 Relationship with other developments/consents

5.9.1 As set out in Section 5, there are various other planning permissions and current planning applications relating to Luton Airport and this section summarises the relationship between each of these and the Proposed Development.

Project Curium

5.9.2 When construction of Project Curium is complete, the Proposed Development would tie into the final apron and taxiway works. The reconfiguration of commercial and general aviation stands for which LBC stated no objection to the proposals that formed part of the consultation under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015 in October 2022 form part of the baseline into which the Proposed Development ties.

Application to accommodate 19mppa

5.9.3 At the time of submission of the application for development consent the outcome of the inquiry is still unknown, although the inquiry is now complete. All of the assessment work to date has been undertaken using a “baseline” of 18 mppa. Nonetheless, in anticipation of LLAOL’s 19 mppa planning application, the Applicant’s environmental assessments included sensitivity analysis of the implications of the permitted cap increasing as described in **Chapter 5** and reported in the aspect assessment **Chapters 6 to 20** of the **ES [TR020001/APP/5.01]**. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the “core” assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline.

5.9.4 Nevertheless, as part of the EIA process, the Applicant has continued to assess the likely significant environmental effects resulting from the future construction and operation of the airport. This included keeping a watching brief on the inquiry regarding the called-in application as well as consideration of feedback received at Statutory Consultation 2022 to see if this required us to make a change to our assessments and proposals. The findings of the assessment are presented in the **ES [TR020001/APP/5.01]**.

5.9.5 If the SoS grants permission for the variation of condition application to accommodate 19 mppa and to amend the day and night noise contours (21/00031/VARCON), this permission (and any planning conditions pursuant to it) would be superseded by the Proposed Development once implemented.

DART

5.9.6 The Proposed Development will provide an extension to the Luton DART altering the previous operational parameters by extending the tunnel and tracks, increasing the system cable length and tension, modifying existing stations to

allow for an additional car unit, and relocating the maintenance service zone to the new station.

Enterprise Zone - Bartlett Square

- 5.9.7 There is no direct link between Bartlett Square (LBC ref: 18/00271/EIA) and the Proposed Development and it is anticipated that the project is assumed to proceed as consented.

Enterprise Zone - Green Horizons Park

- 5.9.8 The Proposed Development supersedes much of the development consented as New Century Park but hereinafter referred to as Green Horizons Park (LBC ref: 17/02300/EIA).
- 5.9.9 However, it is anticipated that some elements of Green Horizons Park will still be implemented under that planning permission, and these will be subject to future Reserved Matters / approval of details submissions to LBC. It may also be necessary for some elements of Green Horizons Park to be amended having regard to the Proposed Development, and these would be subject to separate applications under S73 / S96a of the Town and Country Planning Act 1990 (ref 5.2) as appropriate.
- 5.9.10 The assumed relationship between Green Horizons Park and the Proposed Development works for the purposes of the Environmental Statement are described below:
- a. Assessment Phase 1: No Green Horizons Park works proceed. Area (A) is occupied by Work No. 4l(01) (Car Park 6) and Work No. 4m(01) (Car Park 7) and Area (b) is part occupied by Work No. 6b.01 airport access roads;
 - b. Assessment Phase 2a: Car Park No. 6 is adjusted (Work No. 4l(02)) to accommodate one of the Green Horizons Park office buildings. The new road providing access to the east of the airport is constructed (Work No. 6a(02)) as part of the application for development consent, and the new access to the Tidy Tip as part of Green Horizons Park. The hotel and landside operations building are constructed as part of Green Horizons Park to the south of the new access road, in a reconfigured layout to accommodate the Proposed Development. These aspects of the Green Horizons Park development are expected to be constructed after Work No. 6a(02) is complete; and
 - c. Assessment Phase 2b: The remaining four offices of the Green Horizons Park office quarter are constructed at an altered alignment to that shown in the Green Horizons Park planning application, to accommodate the Proposed Development. The surface car parking previously provided as part of Green Horizons Park is now occupied by the Proposed Development, therefore, the Green Horizons Park proposal will be amended to provide a MSCP in the south east of the office quarter where Car Park 6 was, as car parking is provided elsewhere in the Proposed Development.

- 5.9.11 As it is assumed that the remaining elements of the Green Horizons Park development will be implemented during the construction of the Proposed Development, the potential influence on the likely environmental effects of the Proposed Development are considered and reported in **ES Chapter 21 - Cumulative Effects Assessment [TR020001/APP/5.01]**.
- 5.9.12 The **Draft Development Consent Order [TR020001/APP/2.01]** makes provision for managing the interface for the implementation of the Green Horizons Park permission and the Proposed Development. Following the decision of the Supreme Court in the judgment of *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30 specific drafting has been included in the draft DCO to deal expressly with a situation where there is an inconsistency between the Green Horizons Park permission and the Proposed Development to ensure that a situation does not arise where the Green Horizons Park planning permission becomes unimplementable.

6 LEGAL AND POLICY CONTEXT

6.1 Planning Act 2008

- 6.1.1 An overview of the legislative context is set out in Section 2.4, which notes that in accordance with section 104(2) of the Act, the SoS is required to have regard to any relevant National Policy Statement (NPS) where it has effect, amongst other matters, when deciding whether or not to grant a DCO.
- 6.1.2 The current ANPS, however, only has ‘effect’ in relation to the delivery of additional airport capacity through the Heathrow Northwest Runway project and so section 104 of the Act does not apply. The application for development consent will, therefore, be determined under section 105 of the Act.
- 6.1.3 Section 105(2) of the Act provides that, in deciding the Application, the SoS must have regard to any Local Impact Report (LIR) prepared by the relevant local authorities, matters that may be prescribed and any other matters which the SoS “thinks are both important and relevant” to their decision.
- 6.1.4 Therefore, this section provides an overview of the relevant national aviation policy and national and local planning policy, which may be both important and relevant to the determination of the application for development consent. Details of specific policies and the compliance of the Proposed Development with these are provided in Section 8 and planning policy compliance tables are provided in **Appendix E**.
- 6.1.5 The prescribed matters referred to in section 105(2)(b) of the Act are set out in the Infrastructure Planning (Decisions) Regulations 2010 (Ref 6.1) (as amended) (the Decisions Regulations). The Decisions Regulations that are of relevance to the Scheme are:
- a. Regulation 3 - Having regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses where the development would affect these;
 - b. Regulation 6 – Having regard to the presence of a hazardous substance on, over or under land to which section 12(2B) of the Planning (Hazardous Substances) Act 1990 is applicable; and
 - c. Regulation 7 - Having regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992 (Ref 6.2).
- 6.1.6 Consideration of the impact of the Scheme on listed buildings, conservation areas and scheduled monuments and their settings is discussed in Section 8.11 and takes into account the “*desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses*”, as per Regulation 3 of the Decisions Regulations.
- 6.1.7 Consideration of hazardous substances is set out in Sections 9.3, 9.14 and 9.17 and **Chapter 9** of the **ES [TR020001/APP/5.01]**. Consent(s) will be sought from the relevant local authority or Environment Agency in relation to hazardous substances pursuant to sections 4 and 6 of The Planning (Hazardous

Substances) Act 1990 and Schedule 1 of The Planning (Hazardous Substances) Regulations 2015.

- 6.1.8 The impact of the Proposed Development on biodiversity is assessed by **Chapter 8** of the **ES [TR020001/APP/5.01]** and is discussed in Section 8.7, taking account of Regulation 7 of the Decisions Regulations.

6.2 National Aviation Policy

- 6.2.1 The government recognises that aviation is very important to the economy and, in principle, supports the growth of the sector so long as its environmental impact is managed. This section summarises the government's aviation policy context for the airport making best use of its existing runway. The remainder of this Planning Statement provides further details of the overall compliance with planning policy.

Aviation Policy Framework

- 6.2.2 The Aviation Policy Framework (APF) was published in March 2013 and remains relevant to policy covering expansion at airports other than Heathrow. This sets out the overarching strategy primarily for supporting economic growth and other benefits through the aviation sector, and for managing the environmental impacts of aviation development in the UK.
- 6.2.3 The APF sets out that a key priority is to work with the aviation industry and other stakeholders to make best use of existing runway capacity at all UK airports. It also recognised that, beyond 2020, there will be a capacity challenge at all of the biggest airports in the South East of England.
- 6.2.4 The ANPS (introduced below) sets out government policy on the priorities for expanding airport capacity in the South East of England, however, the APF sets out government policy on other aviation-related development across the entirety of the UK and therefore, remains the overarching long-term framework. The APF is therefore considered relevant in relation to wider aviation issues, as stated in paragraph 1.38 of the ANPS.
- 6.2.5 Whilst not providing any specific commentary on airport expansion in the South East, the APF does indicate that the government recognises the very important role airports across the UK play in providing domestic and international connections and the vital contribution they can make to the growth of regional economies.

Airports National Policy Statement

- 6.2.6 The ANPS was designated in June 2018 but, as made clear above, only has 'effect' in relation to the delivery of additional airport capacity through the Heathrow Northwest Runway project. Paragraph 1.41 of the ANPS, however, makes clear that the contents of the ANPS will be both an important and relevant consideration under section 105 of the Act in the determination of an application for development consent for any other airport development, particularly where it relates to London or the South East of England.

- 6.2.7 Paragraph 1.39 of the ANPS makes clear that, alongside the provision of an additional runway at Heathrow, the government supports other airports, including those in the South East of England, making best use of their existing runways:
- 6.2.8 *“the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.”*
- 6.2.9 Paragraph 1.42 of the ANPS sets out that any such application should be judged on its individual merits and that it may well be possible for existing airports to demonstrate sufficient need for proposals, additional to (or different from) the need which is met by the provision of a Northwest Runway at Heathrow.
- 6.2.10 Paragraph 4.4 of the ANPS provides further detail on weighing the planning balance, including consideration of:
- a. potential benefits, including the facilitation of economic development (including job creation) and environmental improvement, and any long term or wider benefits; and
 - b. potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 6.2.11 Paragraph 5.82 of the ANPS states that *“any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets”*.

Beyond the Horizon: The future of UK aviation – Making best use of existing runways

- 6.2.12 Beyond the Horizon: The future of UK aviation – Making best use of existing runways (MBU) was published in June 2018 alongside the ANPS. In MBU the Government has set out its support of airports beyond Heathrow making best use of their existing runways, subject to related economic and environmental considerations being considered. Paragraph 1.29 concludes:
- 6.2.13 *“Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead*

leaves it up to local, rather than national government, to consider each case on its merits.”

Aviation 2050

- 6.2.14 As part of the development of its new aviation strategy, the government published a Green Paper ‘*Aviation 2050 – the future of UK aviation*’ (Ref 6.3) for consultation in December 2018 outlining its proposals for a new aviation strategy. The core objectives underpinning Aviation 2050 were:
- a. help the aviation industry work for its customers;
 - b. ensure a safe and secure way to travel;
 - c. build a global and connected Britain;
 - d. encourage competitive markets;
 - e. support growth while tackling environmental impacts; and develop innovation, technology and skills.
- 6.2.15 This Green Paper, although only for consultation not a national policy document, ultimately informed the ‘Flightpath to the Future’ (FttF) policy document discussed later.
- 6.2.16 Aviation 2050 included key proposals around noise from airport development, seeking additional measures to ensure better outcomes of noise standards and procedures. It also included measures proposed to improve noise insulation schemes around airports, with consideration of additional powers being given to the Civil Aviation Authority (now the noise regulator for the industry) in enforcement of the measures.
- 6.2.17 This is referenced in the FttF document where it states *“in addition, the Government set out new policy proposals to tackle these localised impacts through the Aviation 2050 consultation (2018). These included a clearer noise policy framework alongside measures to incentivise best operational practice to reduce noise and measures to improve airport noise insulation schemes. As the sector recovers, and air travel volumes increase again, these aims remain very relevant.”*

Flightpath to the Future

- 6.2.18 Flightpath to the Future (FttF) is the most recent statement of Government aviation policy, published in May 2022. FttF responds to the Aviation 2050 consultation described above and sets out *“a strategic framework for aviation over the next ten years”*. In particular, FttF sets out to address the challenges faced by the industry following the Covid-19 pandemic and taking into account the effects of Brexit, with the key aims being to secure: *“A future where aviation remains of huge strategic importance to the country post-Brexit allowing tourism, business and trade to thrive. A future where UK aviation becomes synonymous with sustainability, and part of the solution to climate change. And a future where the UK consolidates its position as one of the world’s most important aviation hubs.”*

- 6.2.19 Specifically, the government confirms its support for airport expansion: *“That means supporting airport expansion where it’s justified, to boost our global connectivity and level up the UK.”*
- 6.2.20 The government also confirms the relevance of earlier policy statements in respect of airport growth and development. *“Airports have a key role to play in boosting our global connectivity and we continue to be supportive of sustainable airport growth. Our existing planning frameworks for airport growth provide a robust and balanced framework for airports that want to grow within our strict environmental criteria.”*
- 6.2.21 The Proposed Development would contribute to several of the Government’s four key themes as set out in FttF, namely:
- a. enhancing global impact for a sustainable recovery;
 - b. embracing innovation for a sustainable future;
 - c. realising benefits for the UK;
 - d. delivering for users.
- 6.2.22 Whilst FttF represents the most recent statement of Government aviation policy, it is intended primarily as a 10-year recovery strategy and cross references other policy documents such as the ANPS, ‘Making Best Use’ (MBU) policy, the Aviation 2050 Green Paper and the Jet Zero Strategy as also containing relevant policy, in particular making reference to Aviation 2050 for the relevant noise policy framework. Hence, it is clear that FttF does not supersede existing policy but brings it up to date.
- Jet Zero Strategy: delivering net zero aviation by 2050**
- 6.2.23 Jet Zero Strategy: delivering net zero aviation by 2050, first published in July 2022 is the Government’s proposed approach and principles to reach net zero aviation by 2050. To deliver this outcome, alongside the Jet Zero target, the government aims for domestic aviation and airport operations to be net zero and zero-emission respectively by 2040.
- 6.2.24 Net zero is the Government target that the UK’s total greenhouse gas emissions should be equal to or less than the emissions the UK removed from the environment. This can be achieved by a combination of emission reduction and emission removal. Zero emission is that no GHG emissions are attributable to an actor’s operations. Under this definition, no offsets or balancing of residual emissions with removals are used.
- 6.2.25 The objective of the Jet Zero Strategy is that it will both decarbonise the sector and allow people to keep flying.
- 6.2.26 A five-year delivery plan has been published as part of the Strategy. This sets out the actions that will need to be taken in the coming years to achieve net zero by 2050.
- 6.2.27 The Government has committed to reviewing the Strategy every five years and will use these reviews to understand how emerging technologies are developing, whether they are developing at the pace required and if they are

being adopted by the sector to ensure that the aviation maximises in-sector reductions to meet the UK's overall 2050 net zero target.

- 6.2.28 Notably, the Jet Zero Strategy states in paragraph 3.57 that the Government's approach to sustainable growth is supported by analysis which shows that Jet Zero can be achieved without the Government needing to intervene directly to limit aviation growth. The analysis uses updated airport capacity assumptions consistent with the latest known expansion plans at airports in the UK. The analysis indicates that it is possible for the potential carbon emissions resulting from these expansion schemes to be accommodated within the planned trajectory for achieving net zero emissions by 2050, and that consequently, planning policy frameworks remain compatible with the UK's climate change obligations.
- 6.2.29 Paragraph 3.58 affirms the Government's economy-wide Net Zero Strategy considers that, even if there was no step-up in ambition on aviation decarbonisation (e.g., through the "continuation of current trends" scenario used to support the relevant analysis), it would still be possible to achieve net zero by 2050.

6.3 National Planning Policy

- 6.3.1 In addition to the ANPS, various other national planning policy documents which can be relevant and important considerations in the determination of the application for development consent are introduced below.

National Networks National Policy Statement

- 6.3.2 The National Networks National Policy Statement (NNNPS) (Ref 6.4), published in December 2014, sets out the need for, and Government's policies to deliver, development of NSIPs on the national road and rail networks in England. It provides planning guidance for promoters of nationally significant infrastructure projects on the road and rail networks, and the basis for the examination by the Examining Authority and decisions by the SoS for such projects.
- 6.3.3 There are no elements of the Proposed Development on the national road or rail network that would be classified as a NSIP in their own right as the thresholds in section 22(4) and section 25(1) of the Act. However, the NNNPS remains an important and relevant consideration, particularly as works are proposed on the Strategic Road Network (SRN) at Junction 10 of the M1 as part of the Proposed Development.

National Planning Policy Framework

- 6.3.4 The National Planning Policy Framework (NPPF) (Ref 6.5) does not set out the primary policy context or decision-making principles for applications for development consent under the Act. The NPPF makes clear that it is not intended to contain specific policies for NSIPs and that it is the role of the relevant NPS to assume that function and provide policy to guide individual development proposals brought forward under the Act. The NPPF states in paragraph 5 that NSIPs "*are determined in accordance with the decision*

making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure”.

- 6.3.5 Nevertheless, like the ANPS, the NPPF is an important and relevant consideration in decision making for applications for development consent, particularly in this instance where no NPS has effect, and the decision is to be taken under section 105.

6.4 Local Development Plan Documents

- 6.4.1 It is important to note that local plans are not prepared for NSIPs. These documents tend to be important and most relevant where there is a policy that identifies an allocated site, a safeguarded land use, or an environmental designation. Nonetheless, they can still be considered important and relevant for the consideration of an application for development consent.

- 6.4.2 As per PINS Advice Note One (Ref 6.6) (paragraph 4.7) and as part of the Act process, the host local authorities will be invited to submit a local impact report (LIR) giving details of the likely impact of the Proposed Development on the relevant authority’s area. Section 105 requires the SoS to take into account LIRs.

- 6.4.3 The Order Limits fall within a number of local authorities, and the development plan documents for these authorities, but not all of their policies, are summarised below.

Luton Borough Council Local Plan 2011-2031

- 6.4.4 The Luton Local Plan (LLP) (Ref 6.7) sets out a set of policies, development allocations and actions to meet the environmental, social, and economic challenges facing LBC over the 20-year plan period.

- 6.4.5 The document states that the airport will be improved to provide more jobs related to aviation industries and other associated business clusters and maintain the airport’s key role as a sub-regional economic driver bringing wealth and job creation (including high skilled jobs) to the town and neighbouring local authorities. It includes a site-specific policy (LLP6) and the overarching strategic objective below:

- 6.4.6 *“Strategic Objective 1: Retain and enhance Luton’s important sub-regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport’s existing operations and to support its sustainable growth over the Plan period based on its strategic importance.”*

Central Bedfordshire Council Local Plan 2015-2035

- 6.4.7 The Central Bedfordshire Council Local Plan (CBCLP) (Ref 6.8) is the key strategic planning document for Central Bedfordshire and seeks to guide and support the delivery of new infrastructure, homes and jobs. It sets out the long-term vision and objectives for the area, what is going to happen, where, and how this will be achieved and delivered.

- 6.4.8 The key challenges this Local Plan seeks to address include driving more sustainable growth by improving and extending the range of economic opportunities and services available locally and securing additional infrastructure, including enhancing digital connectivity, to achieve more sustainable travel and to create new green infrastructure.

North Hertfordshire District Council Local Plan 2011-2031

- 6.4.9 The NHDC Local Plan (NHDCLP) (Ref 6.9) seeks to address the key issues facing North Hertfordshire and sets the strategic vision and spatial strategy for the District over the period 2011 to 2031.
- 6.4.10 Over the plan period, the key objectives of this Local Plan are to: identify and deliver most sustainable forms and patterns of development around the District, provide the appropriate type and level of growth to meet the needs of the District and consider the strategic needs of adjoining authorities, to protect and enhance the environment and encourage the prudent use of resources.

Dacorum Borough Council Core Strategy 2006-2031

- 6.4.11 The Dacorum Borough Council Core Strategy (DBCCS) (Ref 6.10) aims to anticipate and manage change in Dacorum over the years to 2031. The document highlights the importance of balancing the need for new development and infrastructure against the need to maintain the environmental assets and unique character of the borough. It is also one of the key tools to help maximise and coordinate new investment in Dacorum and help promote economic regeneration.
- 6.4.12 The central themes to be addressed over the plan period are to: strengthen economic prosperity, provide homes and community services; and appropriately manage the natural environment.

Dacorum Borough Local Plan 1991-2011 (Saved Policies)

- 6.4.13 The Dacorum Borough Local Plan 1991-2011 (Saved Policies) (Ref 6.11), adopted in April 2004, contains saved policies which are intended to be read alongside the adopted Core Strategy (above) and Site Allocations Development Plan Document (DPD), as many of these policies now supersede those in the Local Plan of 2004. The saved policies are either consistent/partly consistent with or not contrary to the NPPF and cover a range of themes, of which the most relevant to this application are transport and environment.

6.5 Other Relevant Policy Documents

- 6.5.1 In addition to the policy documents mentioned above, there are other more specific planning policy and related documents which may be important and relevant to the consideration of particular aspects of the Proposed Development as outlined below.

DfT Circular 02/2013, The Strategic Road Network and the delivery of sustainable development (Updated July 2022)

- 6.5.2 This document (Ref 6.12), published in September 2013, sets out the way in which National Highways will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network (SRN). The update from July 2022 sets out that when a final version is published, it will replace the policies in the Department for Transport Circular 02/2013 of the same title. The policies within the final version may also be considered important and relevant to decisions on NSIPs.

DfT Circular 01/2010, Control of development in airport public safety zones (Updated 2021)

- 6.5.3 This publication (Ref 6.13), produced in March 2010, concerns Public Safety Zones (PSZs) which are the end of runway areas. The update in October 2021 states development within PSZs is restricted so as to control the number of people on the ground at risk of death or injury should an aircraft accident occur during take-off and landing. The policy objective governing the development near civil airports is that there should be no increase in the number of people living, working, or congregating within the PSZ.

Luton Local Transport Plan 2011-2026

- 6.5.4 This is the third Local Transport Plan (LTP) (Ref 6.14) prepared by LBC and published in March 2011. The document mainly covers Luton, although it does refer to strategic transport infrastructure and other cross-boundary matters for the whole conurbation, particularly in relation to the planned growth of the area.

Luton Borough Council Climate Change Action Plan

- 6.5.5 The Climate Change Action Plan (Ref 6.15), adopted in April 2021, sets out aspirations for the Borough to reach net zero carbon by 2040. To do so the Action Plan complements and supports the LLP and LTP. The Action Plan describes the actions taken by LBC to reduce carbon emissions. It also includes actions relating to governance, procurement, and investment to improve the consideration given to the carbon impact of the decisions made by LBC.

Hertfordshire Local Transport Plan 2018-2031

- 6.5.6 This is the fourth LTP (Ref 6.16) produced by HCC and published in May 2018. The document sets out how transport can help deliver a positive future vision for Hertfordshire by having a major input into wider policies such as economic growth, meeting housing needs, improving public health, and reducing environmental damage whilst also providing for safe and efficient travel. The plan also considers how future planning decisions and emerging technology might affect the way that transport needs to be provided in the longer term.

Hertfordshire Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026

- 6.5.7 These documents (Ref 6.17), adopted by HCC in November 2012, set out a spatial vision and strategic objectives for waste planning in Hertfordshire. It also contains the policies needed to implement these objectives and make decisions on waste planning applications.

Hertfordshire County Council's Minerals Consultation Areas in Hertfordshire Supplementary Planning Document

- 6.5.8 This document (Ref 6.¹⁸) was adopted by HCC in November 2007 to identify the areas of the County where particular care is needed to prevent the unnecessary sterilisation of sand and gravel resources, and to explain the way in which the County and District/Borough Councils will work together to protect the resources in areas referred to as 'Mineral Consultation Areas'. In these areas, before planning applications are decided by the District or Borough Councils, HCC will be given the chance to consider whether the development proposed would lead to unacceptable sterilisation of mineral resources.

Luton Sustainable Design Guide

- 6.5.9 Adopted in January 2003, this document (Ref 6.19) sets out LBC's expectations on sustainable development and energy conservation principles for anyone seeking planning permission for development. Whilst the guide largely relates to construction, there are four objectives for which key issues are focused:
- a. social progress which recognises the needs of everyone;
 - b. effective protection of the environment;
 - c. prudent use of natural resources; and
 - d. maintenance of high and stable levels of economic growth and employment.

Designing for Community Safety in a Quality Environment

- 6.5.10 This document (Ref 6.20) was adopted in 2022 and provides guidance on designing for community safety in Luton within the context of a quality environment. LBC and Bedfordshire Police, at the time, had determined that strategies regarding community safety should:
- a. have a Luton based approach;
 - b. be built within a context of existing relationships;
 - c. be built on existing work whilst adding value to it; and
 - d. have breadth as well as focus that is related to community safety issues as well as crime.

7 PRINCIPLES OF ASSESSMENT

7.1 General Principles of Assessment

- 7.1.1 Chapter 4 of the ANPS concerns Assessment Principles and sets out the general policies in accordance with which applications relating to a Northwest Runway at Heathrow Airport are to be decided. However, there are general policies contained within the same chapter which would equally apply in the assessment of other airport NSIPs – not at Heathrow – which are ‘important and relevant’ to the consideration of this application for development consent for Luton Airport.
- 7.1.2 Paragraph 4.4 of the ANPS makes clear that in considering any proposed development, the Examining Authority and the SoS will consider:
- a. the potential benefits, including the facilitation of economic development (i.e., job creation), environmental alleviation and any other longer term or wider benefits; and
 - b. the potential adverse impacts (including any longer term and cumulative adverse impacts) as well as any measures to avoid, mitigate or compensate for those adverse impacts.
- 7.1.3 Furthermore, paragraph 4.5 of the ANPS sets out that environmental, safety, social and economic benefits and any adverse impacts should be considered at national, regional, and local levels. The SoS will also have regard to the manner in which any stated benefits are secured, and also the level of confidence in their delivery.
- 7.1.4 Accordingly, a planning assessment is provided in Section 8 which is presented by topic and considers the potential benefits and adverse impacts of the Proposed Development, mitigation measures and an assessment of compliance with relevant aviation and planning policy. This planning assessment provides the basis for the planning balance and conclusions set out in Section 9.

7.2 Environmental Impact Assessment

- 7.2.1 Paragraph 4.12 of the ANPS states that all proposals that are subject to the European Union’s Environmental Impact Assessment Directive (Directive 85/337/EEC as amended by Directive 2011/92/EU and Directive 2014/52/EU) and are likely to have significant effects on the environment, must be accompanied by an ES, describing the aspects of the environment likely to be significantly affected by the project. The Directive was transposed into UK law by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (‘the EIA Regulations’), which continue to have effect following the UK’s withdrawal from the European Union.
- 7.2.2 This application for development consent is supported by an **ES [TR020001/APP/5.01]** which, in accordance with the EIA Regulations, identifies, describes, and assesses the effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them.

- 7.2.3 In accordance with Schedule 4 to the EIA Regulations, the **ES** also includes a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the project, and also the measures envisaged for avoiding or mitigating significant adverse effects. **ES Chapter 1 [TR020001/APP/5.01]** discusses the EIA and process in further detail.
- 7.2.4 The Thresholds and Limits set through the **GCG Framework [TR020001/APP/7.08]** means that the environmental effects of the expansion of the airport will not be solely dependent on how well mitigation and other controls identified and secured at the planning stage work in practice. Instead, it is proposed to create a dynamic mechanism that will make future growth dependent on achieving clear environmental objectives in practice. The GCG Framework is an adaptive management framework based on the environmental effects actually observed.
- 7.2.5 In this way, GCG supplements the existing EIA process, as it does not replace or substitute the need for any mitigation measures identified by the EIA; rather it gives additional certainty that the environmental effects forecast will not be exceeded irrespective of the performance of the mitigation measures initially secured.

7.3 Habitats Regulation Assessment

- 7.3.1 Paragraph 4.19 of the ANPS states that prior to granting development consent, the SoS as the competent authority must comply with the duties under the Conservation of Habitats and Species Regulations 2017. Under these regulations, if the competent authority considers that the proposed development is likely to have a significant effect on a European site and is not connected with or necessary to the management of that site, it must make an Appropriate Assessment of the implications for the site in view of the site's conservation objectives. Paragraph 4.20 further states that the applicant is required to provide sufficient information with their applications for development consent to enable the SoS to carry out an Appropriate Assessment if required. This information should include details of any measures that are proposed to minimise or avoid any likely significant effects on a European site.
- 7.3.2 The Appropriate Assessment – a No Significant Effects Report – is provided in **Appendix 8.3** of the **ES [TR020001/APP/5.08]**. It sets out the necessary information for the SoS for Transport to undertake a Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations').

7.4 Equalities

- 7.4.1 Paragraph 4.27 of the ANPS states that for any application to be considered compliant with the ANPS, it must be supported by a project level Equality Impact Assessment examining the potential impact of that project on groups of people with protected characteristics.

7.4.2 Accordingly, an **Equality Impact Assessment [TR020001/APP/7.12]** has been submitted with the application for development consent. Equalities are also considered within the Health and Community chapter of the **ES – Chapter 13 [TR020001/APP/5.01]**.

7.5 Assessing Alternatives

7.5.1 Paragraph 4.28 of the ANPS requires that the applicant should comply with all legal obligations and policy set out in the document on the assessment of alternatives. In particular, the ANPS recognises that Environmental Impact Assessment requires projects with significant environmental effects to include a description of the reasonable alternatives, in relation to the proposed development, tested by the applicant, and an indication of the main reasons for the option ultimately chosen, taking into consideration the significant effects of the project on the environmental effects.

7.5.2 The alternative options assessed are set out in **Chapter 3** of the **ES [TR020001/APP/5.01]**, the **DAS [TR020001/APP/7.03]** and the **Design Principles [TR020001/APP/7.10]** supporting this application.

7.6 Criteria for ‘Good Design’ for Airports

7.6.1 Paragraph 4.29 of the ANPS states that applying ‘good design’ to airport projects should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and matched by an appearance that demonstrates good aesthetics as far as possible. As per paragraph 4.30 it is noted that visual appearance is an important factor in considering the design of the proposed development, in addition to functionality, fitness for purpose, sustainability and cost.

7.6.2 Paragraph 4.31 states that good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts. It should also mitigate any existing adverse impacts wherever possible, for example in relation to safety or the environment. It is noted that the Examining Authority and SoS will take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security standards which the design has to satisfy.

7.6.3 The design of the Proposed Development is set out and justified in full in the aforementioned **DAS [TR020001/APP/7.03]** and the **Design Principles [TR020001/APP/7.10]**.

7.7 Climate Change Adaptation

7.7.1 Paragraph 4.43 of the ANPS states that adaptation is necessary to deal with the potential impacts of climate change that are already taking place. It requires new development to be planned to avoid increased vulnerability to the range of impacts that can arise as a result of climate change. Paragraph 4.45 requires applicants to consider the impacts of climate change when planning design,

build and operation. Any accompanying ES should set out how the proposal will consider the projected potential impacts of climate change.

- 7.7.2 This information is contained in **Chapter 9** of the **ES [TR020001/APP/5.01]** which also considers appropriate mitigation or adaptation measures as required by paragraphs 4.49, 4.50 and 4.51 of the ANPS.

7.8 Pollution Control and Other Environmental Protection Regimes

- 7.8.1 Issues relating to discharges or emissions from the Proposed Development which may affect the quality of air, water, land or the marine environment, or which include noise, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes. Paragraph 4.53 of the ANPS confirms that relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.
- 7.8.2 Paragraph 4.54 states that in deciding an application, the SoS should focus on whether the development is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. Decisions under the Planning Act 2008 should complement but not duplicate those taken under the relevant pollution control regime.
- 7.8.3 Paragraph 4.59 makes clear that the SoS should not refuse consent on the basis of regulated impacts unless there is good reason to believe that any relevant necessary operational pollution control permits, licences or other consents will not subsequently be granted.
- 7.8.4 The **Consents and Agreements Position Statement [TR020001/APP/2.03]** provides details of the other consents, licences and permits which will be applied for separately.

7.9 Common Law Nuisance and Statutory Nuisance

- 7.9.1 Paragraph 4.61 of the ANPS states that during the examination of an application for development consent for infrastructure covered under the Airports NPS, possible sources of nuisance under Section 79(1) of the Environmental Protection Act (EPA) 1990 and under Sections 76 and 77 of the Civil Aviation Act 1982 should be considered by the Examining Authority. The Examining Authority should also consider how those sources of nuisance might be mitigated or limited so they can recommend appropriate requirements that the SoS might include in any subsequent order granting development consent.
- 7.9.2 A Statement relating to Statutory Nuisances is submitted as part of the DCO **[TR020001/APP/5.06]**. It concludes that with the proposed mitigation in place, as described above, it is not expected that there would be a breach of Section 79(1) of the EPA 1990 during construction or operational activities of the Proposed Development.

7.10 Security Considerations

- 7.10.1 Paragraph 4.64 of the ANPS recognises that the nature of the aviation sector as a target for terrorism, hence, security considerations will likely apply in the case of an NSIP. Paragraph 4.65 states that where national security implications have been identified, the applicant should consult with relevant security experts from the Centre for the Protection of National Infrastructure and the Department for Transport to ensure that physical, procedural and personnel security measures have been adequately considered in the design process, and that adequate consideration has been given to the management of security risks.
- 7.10.2 This is discussed in **Chapter 15** of the **ES [TR020001/APP/5.01]** but further security details will come forward in the detailed design stage.

7.11 Health

- 7.11.1 Paragraph 4.72 of the ANPS requires that where the proposed development has likely significant environmental impacts that would have an effect on human beings, any ES should identify and set out the assessment of any likely significant health impacts. Paragraph 4.73 states that the applicant should identify measures to avoid, mitigate or compensate for adverse health impacts as appropriate and that the cumulative impact on health should be considered.
- 7.11.0 **Chapter 13** of the **ES [TR020001/APP/5.01]** addresses Health and Community matters.

7.12 Accessibility

- 7.12.1 Paragraph 4.76 of the ANPS requires the applicant to set out details of how plans will improve access on and around the airport by designing and delivering schemes that address the accessibility needs of those who use, or are affected by, surface access infrastructure, including those with physical and/or mental impairments, in additions to older users. The Airports NPS recognises that easy access and car parking provision at the airports is essential to this goal and must meet standards set down in guidance (such as the Department for Transport's Inclusive Mobility).
- 7.12.2 Matters regarding access are discussed in the **Equality Impact Assessment [TR020001/APP/7.12]**, which is submitted with the application for development consent.

8 PLANNING ASSESSMENT

8.1 Introduction

8.1.1 This section presents a planning assessment of the Proposed Development against the following themes:

- a. Principle of Development.
- b. Socio-Economic Development.
- c. Surface Access.
- d. Air Quality.
- e. Noise and Vibration.
- f. Carbon Emissions and Greenhouse Gases.
- g. Biodiversity and Ecological Conservation.
- h. Landscape and Visual Impacts.
- i. Green Belt.
- j. Agricultural Land.
- k. Health and Community.
- l. Cultural Heritage.
- m. Waste and Resource Management.
- n. Flood Risk.
- o. Water quality and Resources.
- p. Land Contamination and Instability.
- q. Dust, Odour, Artificial Light, Smoke and Steam.
- r. Community Compensation.
- s. Major Accidents and Disasters.
- t. Community Engagement.

8.1.2 Each of the themes identified above has been subject to its own separate assessment either in the **ES [TR020001/APP/5.01]** or a standalone report submitted with the application. The themes considered broadly align with those set out in the ANPS as well as other topics of relevance to the Proposed Development. This section presents the conclusions of those assessments in the context of key national, regional, and local planning policy, accompanied by a summary of planning policy compliance. The consideration of the overall planning balance is provided in Section 9.

8.1.3 Particular consideration is given to compliance with Section 5 (Assessment of Impacts) of the ANPS, but the Proposed Development is also assessed against other national and local planning policy where relevant.

8.1.4 Planning policy compliance tables are provided at **Appendix E** which set out the extent to which the Proposed Development complies with the policies contained in the most relevant national and local planning policy documents.

8.2 Principle of Development

- 8.2.1 The principle of the Proposed Development is supported throughout national aviation policy. The Aviation Policy Framework (APF) sets out in paragraph 5, *“the Government’s primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise.”* It continues in paragraph 6 outlining how *“the UK is an outward-looking nation: an island economy that for centuries has owed its prosperity to the transport and trade routes linking it with the rest of the world. With the increasing globalisation of our economy and society, the future of the UK will continue to be shaped by the effectiveness of its international transport networks”*.
- 8.2.2 The APF states one of the Government’s main objectives is to *“ensure that the UK’s air links continue to make it one of the best connected countries in the world”* and in order to achieve this, paragraph 9 states *“we believe that it is essential both to maintain the UK’s aviation hub capability and develop links from airports which provide point-to-point services (i.e. carrying few or no transfer passengers). This should be done in a balanced way, consistent with the high-level policies set out in this document and acknowledging Government’s commitment to economic growth”*.
- 8.2.3 Paragraph 1.24 of the APF sets out that the Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales, and airports outside the South East of England. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.
- 8.2.4 Following the consultation on the APF, as per paragraph 1.3, there was *“broad agreement that aviation benefits the UK economy, both at a national and regional level”*. The benefits can be summarised as increased gross domestic product and jobs, imports and exports, manufacturing, skills and technology, value of business and general aviation and greater productivity and growth, tourism and travel, culture, and family. As paragraph 1.21 describes, *“the Government recognises the very important role airports across the UK play in providing domestic and international connections and the vital contribution they can make to the growth of regional economies”*.
- 8.2.5 The Proposed Development responds to this by increasing airport capacity at Luton and providing for an additional 14 mppa throughput, increasing the current passenger movement cap from 18 mppa to 32 mppa.

- 8.2.6 The Proposed Development is in line with paragraph 1.29 of Beyond the Horizon: The future of UK aviation – Making best use of existing runways (MBU), which states that *“the government is supportive of airports beyond Heathrow making best use of their existing runways.”* The **Design and Access Statement [TR020001/APP/7.03]** sets out that the project has been specifically designed to make best use of the existing runway. The MBU policy statement recognises that the development of airports can have negative as well as positive local impacts and that any proposal should be considered on its merits. The Proposed Development has been designed to make best use of the existing runway at Luton, minimise the use of Green Belt and impacts on the environment and surrounding communities, and achieve a good standard of design. Further detail on how this is proposed is provided in the **DAS [TR020001/APP/7.03]**.
- 8.2.7 The Green Paper Aviation 2050 describes how *“the government supports the growth of aviation and the benefits this would deliver, provided that growth takes place in a sustainable way, with actions to mitigate the environmental impacts”* and fundamentally that *“aviation is important for the government’s goal of building a global and connected Britain”*.
- 8.2.8 Aviation 2050 also sets out that *“airports are vital hubs for local economies, providing connectivity, employment, and a hub for local transport schemes.”* It supports *“the importance of rebalancing the UK economy through economic growth of the regions...Airports have a crucial role to play as hubs for growth within and beyond the region in which they are situated.”* The Proposed Development is fully aligned with the aims and objectives of Aviation 2050.
- 8.2.9 The Proposed Development supports the Flightpath to the Future aim of recovering and sustainably growing the aviation sector. The document states that *“the Government is committed to growth. We will work closely with industry to continually assess how we can best support sustainable recovery and a bright future for UK aviation. We want the sector to have full confidence in our commitment to supporting aviation in the UK, and our recognition of its role as a key UK strategic asset.”* The Proposed Development demonstrates its commitment to this ambition increasing capacity at the airport as well as ensuring appropriate mitigation measures are embedded into the design, including the **GCG Framework [TR020001/APP/7.09]** and noise envelope. The Proposed Development is the result of a rigorous process of optioneering and scheme development. There has been a commitment to iterative design, which has sought to balance evolving drivers and requirements, maximise benefits, minimise negative impacts, and which crucially, has been informed by the views of stakeholders and the community.
- 8.2.10 The Jet Zero Strategy outlines how *“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.”* The Proposed Development aims to achieve this with the

increase in capacity and new terminal, demonstrating that it is *“maximising and making efficient use of our existing airspace, aircraft and airports.”*

- 8.2.11 The ANPS describes in paragraph 1.1 how *“The UK aviation sector plays an important role in the modern economy...and the positive impacts of the aviation sector extend beyond its direct contribution to the economy by also enabling activity in other important sectors like business services, financial services, and the creative industries.”* It acknowledges in paragraph 1.2 that *“London and the South East are now facing longer term capacity problems”* and *“this is having an adverse impact on the UK economy, and affecting the country’s global competitiveness”*. The Proposed Development would clearly contribute to tackling this national issue.
- 8.2.12 The principle of development is also established in local planning policy in the Luton Local Plan. Policy LLP6 makes provision for the airport to respond positively to future growth helping to safeguard Luton's key sub-regional economic contribution to jobs and wealth creation while setting a clear environment and transport framework with which to regulate future growth.
- 8.2.13 Policy LLP6 allocates Luton Airport as a Strategic Allocation which *“serves the strategic role of London Luton Airport and associated growth of business and industry, including aviation engineering, distribution and service sectors that are important for Luton, the sub-regional economy, and for regenerating the wider conurbation.”*
- 8.2.14 In summary, there is clear support for the principal of UK airport expansion in national policy and the Proposed Development is, therefore, supported in principle, subject to the benefits being appropriately balanced against the impacts.

8.3 Socio-Economic Development

Policy Context

- 8.3.1 Paragraph 1.41 of the Aviation Policy Framework (APF) recognises that the demand for aviation in the UK is concentrated in the south east, a densely populated region whose economy comprises multiple high-value sectors including finance, professional services, and technology among others. This drives consistently high demand for aviation in the region, so that the five main south eastern airports (of which Luton is one) account for nearly two-thirds of passengers at UK airports and nearly half of all air transport movements.
- 8.3.2 Beyond the Horizon: The future of UK aviation – Making best use of existing runways (MBU) paragraph 1.25 details that Government believes there is a case for airports making best of their existing runways across the whole of the UK. Paragraph 1.29 fortifies this by adding the Government is supportive of airports beyond Heathrow making best use of their existing runways, with a focus particularly on economic and environmental impacts and proposed mitigations.

8.3.3 ANPS paragraph 4.4 states that in considering any proposed development, and in particular when weighing its adverse impacts against its benefits, the Examining Authority and the SoS will take into account:

“Its potential benefits, including the facilitation of economic development (including job creation) ...; and

Its potential adverse impacts ... as well as any measures to avoid, reduce or compensate for any adverse impacts.”

8.3.4 ANPS paragraph 5.260 states:

“The Government is committed to helping people into jobs and improving the skills of the UK workforce, with a target of three million new apprenticeships being created in the current Parliament. Continuing to create jobs and new training opportunities will help to consolidate the national economic recovery, put the UK on the path to full employment and raise the nation’s productivity. Apprenticeships have an essential role to play within this work, helping individuals to develop key skills which will benefit both them and employers.”

8.3.5 Paragraph 5.261, provides further context and adds:

8.3.6 *“To help deliver the Government’s wider skills agenda, the Department for Transport published Transport Skills Strategy: building sustainable skills in January 2016, setting out its skills strategy for transport, including aviation, and an additional 30,000 apprenticeships by 2020 across the road and rail sectors.²²⁹ The Strategic Transport Apprenticeship Taskforce has been created to deliver this work.”*

8.3.7 In terms of assessment, paragraph 5.266 sets out the Government’s expectations from the applicant to maximise the employment and skills opportunities for local residents, including apprenticeships.

8.3.8 As per the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development, through three overarching objectives:

- a. Economic.
- b. Social.
- c. Environmental.

8.3.9 The economic objective aims to build *“a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”* The Government’s commitment to creating jobs and prosperity through continued economic growth is defined within the NPPF, which sets out the importance of:

- a. local and regional economic market business needs (paragraphs 81, 85);
- b. setting out a clear economic vision and planning for economic development (paragraph 82); and
- c. provision and accessibility of new jobs (paragraph 83).

8.3.10 As described in the principle of development section earlier, the APF puts economic growth and the environment at the heart of the Government's vision for aviation. The overall policy position is summarised in paragraph 5:

“The Government’s primary objective is to achieve long-term economic growth. The aviation sector is a major contributor to the economy and we support its growth within a framework which maintains a balance between the benefits of aviation and its costs, particularly its contribution to climate change and noise. It is equally important that the aviation industry has confidence that the framework is sufficiently stable to underpin long-term planning and investment in aircraft and infrastructure.”

8.3.11 Aviation 2050 reaffirms the economic importance of aviation, repeating the language from the earlier call for evidence and stressing that:

“Aviation has an important role to play in the future of our country. It is key to helping to build a global Britain that reaches out to the world. It underpins the competitiveness and global reach of our national and our regional economies.”

8.3.12 It goes on to set out a number of strategic objectives, namely:

- a. build a global and connected Britain;
- b. ensure that aviation can grow sustainably;
- c. support regional growth and connectivity;
- d. enhance the passenger experience;
- e. ensure a safe and secure way to travel;
- f. support General Aviation (GA); and
- g. encourage innovation and new technology.

8.3.13 MBU set outs that the government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East. This document reaffirms the government's recognition of the impact on communities living near airports and local communities' concerns over local environmental issues. Furthermore, it is highlighted that as airports look to make the best use of their existing runways, it is important that communities surrounding those airports share in the economic benefits of this, and that adverse impacts are mitigated where possible.

8.3.14 Flightpath to the Future (FttF) as part of one of its four core themes - 'realising benefits the UK' - identifies how the aviation sector can unlock national and local benefits and supporting levelling up through trade, air freight, aerospace, investment, and tourism as well as improved connections.

8.3.15 In the LLP, there are three strategic objectives relating to the Economic Strategy for the Borough. These include:

“Strategic Objective 1: Retain and enhance Luton’s important sub-regional role as a place for economic growth and opportunity including the

safeguarding of London Luton Airport’s existing operations and to support the airport’s sustainable growth over the Plan period based on its strategic importance.”

“Strategic Objective 2: To utilise Luton’s economic, social and environmental resources efficiently and sustainably including appropriate mitigation within the limited physical land capacity of the borough whilst ensuring the permanence of the Green Belt.”

“Strategic Objective 6: Reduce social, economic and environmental deprivation, particularly where it is spatially concentrated, by taking priority measures to reduce unemployment, improve skills and education and renew housing, community and environmental conditions.”

- 8.3.16 Through LLP6 London Luton Airport Strategic Allocation the LLP aims to serve the strategic role of the airport and associated growth of business and industry, including aviation engineering, distribution and service sectors which are important for Luton, the sub-regional economy, and for regenerating the wider conurbation. This also includes Category A Employment Areas, a District Park and Area of Local Landscape Value. Part of the site is also the subject of a PSZ designation (Policy LLP34).
- 8.3.17 In particular, the London Luton Airport Strategic Allocation of approximately 325 hectares includes land within the airport boundary, Green Horizons Park and Wigmore Valley Park. LLP6 Policy provides a detailed framework for any activity related to the airport. In particular LLP6b refers to the airport expansion. Airport Safeguarding, car parking, design, drainage together with the developments in Green Horizons Park and Wigmore Valley Park are provided in detail.
- 8.3.18 Regarding hotel use, paragraph LLP 4.51 states provision must be made for the airport to respond positively to future growth helping to safeguard Luton’s key sub-regional economic contribution to jobs and wealth creation while setting a clear environment and transport framework with which to regulate future growth. Green Horizons Park is included within the strategic allocation for a range of employment development (Use Class E) and hotel provision (Use Class C1).
- 8.3.19 Policy LLP13 Economic Strategy sets out a positive and flexible economic strategy for delivering jobs and strategic allocations.
- 8.3.20 LLP3 on the Luton Town Centre Strategy Part A(iii) adds *“hotels, and leisure uses to maintain and enhance the (retail) regional role of the town centre”*. To complement this, the Luton Hotel Study (July 2015) provides evidence that *“there is a need for an extra hotel room requirement of potentially 1,830 rooms by 2030 predominantly related to aviation and business travel in the vicinity of the airport”*. LLP3ii refers to Century Park (now Green Horizons Park) development as a mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use.
- 8.3.21 LLP policy LLP14 Employment Areas seeks to regulate the process by which land will be protected and delivered in accordance with the Employment Evidence supporting the Local Plan.

8.3.22 The CBCLP sets out two Strategic Objectives (SO) relating to Economics and Employment, these are:

“SO1: Ensuring sustainable growth and associated infrastructure including the continued regeneration of town and neighbourhood centres to deliver the annual target for new homes and the provision of integrated health and care hubs.”

“SO5 Provide a minimum of 24,000 new jobs by 2035, accommodating new economic growth along strategic and sustainable transportation routes, new mixed use developments and existing established sites.”

8.3.23 There are two SOs relating to Economics and Employment for the NHDCLP, these are:

“ECON1: Support a vibrant, diverse and competitive local economy that provides a range of job opportunities enabling new and existing businesses to grow and thrive”

“ECON8: Ensure all development is supported by the necessary provision of, or improvements to infrastructure, services and facilities in an effective and timely manner to make development sustainable and minimise its effect upon existing communities”

8.3.24 Specifically, the NHDCLP contains two policies relating to Economics and Employment. Namely:

- a. Policy SP3 Employment which will *“proactively encourage sustainable economic growth, support new and existing businesses and seek to build on the District’s strength.”* This includes promoting and supporting the expansion of the knowledge-based economy. Proposals for the redevelopment of existing employment sites and the development of new employment sites which increase the level of knowledge-intensive employment will be supported in principle.
- b. Policy ETC2 Employment development outside Employment Areas and Employment Allocations BA10 and RY9 which states planning permission for employment use outside these areas will be granted provided the proposal meets set criteria outlined within the Local Plan and will not generate significant adverse impacts on living conditions. Equally, the loss of existing employment uses on unallocated sites will only be granted if it can be demonstrated that the land or premises is no longer required to meet future employment needs of either the local community or the District, the existing use has significant adverse impact on the amenities of the surrounding land uses or is detrimental to highway safety.

8.3.25 The DBCCS outlines the vision for the Borough and sets out strategic objectives relating to Economics and Employment which are *“The Sustainable Development Strategy”* and *“Strengthening Economic Prosperity”*. These are complemented by a set of local objectives set out in each Place Strategy.

Assessment

- 8.3.26 **Chapter 11** of the **ES [TR020001/APP/5.01]** identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to economic development. Direct impacts on employment, gross value added (GVA) and existing businesses; indirect and induced impacts on employment and GVA; wider economic impacts; in-combination effects; and cumulative effects have been assessed in the ES.
- 8.3.27 The magnitude of the effects of construction employment generation on the local housing market are considered overall to be medium and the sensitivity is low, given the capacity of the tourism and private-rented housing sectors to meet the potential demand for accommodation. The effect is minor adverse and not significant. The future economic impacts of the Proposed Development are assumed to be related to the future growth in activity at the airport, defined primarily by the passenger demand and aircraft movement forecasts associated with the Proposed Development.
- 8.3.28 During the construction assessment phases of the Proposed Development, there is expected to be an additional £341m in GVA. The effects in respect of Direct Employment, Indirect and Induced Employment, Direct GVA and Indirect GVA are all considered to have a major beneficial effect as stated in **ES Chapter 11 [TR020001/APP/5.01]** given the capacity of the Luton and Three Counties construction sectors to respond to economic change and growth.
- 8.3.29 The resulting local displacement of business activity has been estimated based on the total floorspace of businesses likely to be impacted by construction of the Proposed Development. In terms of actual displacement, an assumption of 1 job for every 36m² of floorspace has been applied to estimate the number of jobs impacted. Based on this, circa 350 jobs and 12,600m² of floorspace are estimated to be displaced during the construction assessment phase of the Proposed Development. Given that these businesses are considered to be adaptable to change and able to find alternative accommodation locally, this is expected to be a relatively minor adverse impact.
- 8.3.30 Employment forecasts for the Proposed Development, derived from the Proposed Development construction programme, indicate that the number of workers on-site varies across the construction programme. The estimated average number of workers on-site per year ranges from 93 in 2027 to a peak of 1,410 workers in 2035. Of the workers on-site, some will be 'home based', already living within a 60-minute drive time of the Application Site, and others will be 'non-home based' and potentially require housing. There is an expectation that the Proposed Development's contractors will attempt to source a large proportion of jobs locally from 'home based' workers. This will be supported by the activities outlined in the **ETS [TR020001/APP/7.05]** which will support local people in acquiring the necessary skills to take advantage of these new jobs.
- 8.3.31 The private rented homes sector is considered to be the principal sector for accommodating demand for housing from 'non-home based' construction workers in an urban development context. When last estimated in 2018, there

were 164,570 private rented properties in the Three Counties area, including 20,140 in Luton. Taking a cautious approach and assuming that only half are available, there were an estimated 8,230 properties within the Three Counties in 2018 that could potentially be available to construction workers. This is considered to be more than sufficient supply to meet demand arising from the Proposed Development given that applying the average household size for the Three Counties area of 2.54 persons results in a requirement for around 290 properties. Therefore, the effects of construction employment generation on the local housing market are considered to be minor adverse, given the capacity of the tourism and private-rented housing sectors to meet the potential demand for accommodation.

- 8.3.32 The Proposed Development will generate additional workforce during the operational assessment phase. Following a review of relevant local plans, this additional demand is not anticipated to place a strain on the housing markets within the Wider Study Area (comprising LBC and the Three Counties). Therefore, given the capacity of the Wider Study Area's housing market to meet potential demand for accommodation the effects of operational employment generation on the local housing market are considered to be minor adverse.
- 8.3.33 Development of the airport in line with the Proposed Development (With Development case) would result in an increase in direct employment and GDP. As reported in **Table 1.1 in ES Chapter 11 [TR020001/APP/5.01]**, in 2027, the airport is expected to support around 11,700 direct operational jobs, growing to 13,200 by 2039 and to 15,100 by 2043. The corresponding impact on GDP for Luton Borough from the operation of the airport (including indirect and induced impacts) is estimated to be £0.9 billion in 2027, £1.2 billion in 2039 and £1.5 billion by 2043. The corresponding impact on GDP for the Three Counties from the operation of the airport (including indirect and induced impacts) is estimated to be £1.2 billion in 2027, £1.6 billion in 2039 and £2.0 billion by 2043. Nationally, the corresponding impact on GDP from the operation of the airport (including indirect and induced impacts) is estimated to be £2.0 billion in 2027, £2.6 billion in 2039 and £3.3 billion by 2043. This is a significant beneficial impact of the Proposed Development.
- 8.3.34 For passengers travelling on business, the connectivity offered by the airport means that they are able to interact more effectively with global markets. This makes trade easier, opening up export markets and allowing access to overseas goods, supply chains and knowledge. It also enables investment flows. In terms of inward investment, connectivity makes an area more attractive as it is easier and more efficient for overseas investors to manage and grow their interests in the area. Conversely, it enables local companies to invest overseas with greater confidence knowing that they will be able to manage and grow their overseas operations. The result is a more open, competitive, and productive local economy. The potential wider impacts stemming from increased business travel through the airport as a result of the Proposed Development are shown in **Table 11.15 of ES Chapter 11 [TR020001/APP/5.01]**. The analysis suggests that GDP and job impacts stemming from increased connectivity supporting business travel of the Proposed Development in 2043 will be:

- a. around £15 million in GDP in Luton;
- b. around £145 million in GDP and 500 jobs in the Three Counties; and
- c. around £635 million in GDP and 4,440 jobs across the UK.

This is considered to be a moderate beneficial effect resulting from the Proposed Development.

8.3.35 The growth of the airport and the connectivity it offers would also enable more visitors to use the airport to come to the UK. These visitors will support GDP and employment via an expenditure injection into the economy. Having used a variety of sources for data relating to inbound tourism, analysis in **Section 11.9 of ES Chapter 11 [TR020001/APP/5.01]** suggests that GDP and job impacts stemming from increased connectivity supporting inbound tourism in the With Development scenario in 2043 will be:

- a. around £6 million in GDP and 90 jobs in Luton;
- b. around £65 million in GDP and 890 jobs in the Three Counties; and
- c. around £818 million in GDP and 11,550 jobs across the UK.

As above, this is considered to be a moderate beneficial effect resulting from the Proposed Development.

8.3.36 The potential effect on GDP and employment from outbound tourism has not been quantified for reasons set out analysis in **Section 11.9 of ES Chapter 11 [TR020001/APP/5.01]**.

8.3.37 The potential benefits of the Proposed Development to passengers also includes the impact that it might have on their economic welfare in terms of passenger journey times to access air services. If the airport is not able to expand in line through the Proposed Development, then an increasing number of passengers will either be forced to use a different, potentially more distant, airport or to not fly at all. Having monetised time, analysis in **Section 11.9 of ES Chapter 11 [TR020001/APP/5.01]** finds, the Proposed Development is expected to result in:

- a. £85 million in discounted journey time savings over a 60 year period for passengers travelling to or from Luton;
- b. £512 million in discounted journey time savings over a 60 year period for passengers travelling to or from the Three Counties; and
- c. £322 million in discounted journey time savings over a 60 year period for passengers travelling to or from destinations across the UK.

8.3.38 This is considered to be another moderate beneficial effect resulting from the Proposed Development.

8.3.39 The expansion of the airport has the potential to generate additional tax revenue for Government through the Air Passenger Duty (APD) paid by passengers. If the growth of the airport results in additional demand being accommodated across all UK airports (as opposed to passengers switching between airports), then there will be an increase in APD paid at the UK level.

Assuming that APD rates remain the same in real terms over a 60-year period, analysis suggests that the UK Government will collect a discounted total of £259 million in additional APD. This would constitute a minor beneficial effect of the Proposed Development.

- 8.3.40 The following embedded mitigation measures have been incorporated into the design of the Proposed Development:
- a. The **Code of Construction Practice (CoCP) [TR020001/APP/5.02]** seeks to minimise disruption to ongoing airport operations and therefore minimise effects on airport or other employment.
 - b. Similarly, the design of the Proposed Development has been configured to minimise disruption to local businesses.
 - c. Mitigation measures to minimise dust, emissions, noise have been embedded into the design and detailed in **Chapter 7** Air Quality of the **ES [TR020001/APP/5.01]**, **Chapter 16** Noise and Vibration of the **ES [TR020001/APP/5.01]** and **Chapter 18** Traffic and Transportation of the **ES [TR020001/APP/5.01]**. These will be in place to mitigate impacts on local businesses and employees both during construction and operation of the Proposed Development.
 - d. The Green Horizons Park development (formerly New Century Park) for which planning permission was approved in June 2021 (LBC ref. 17/02300/EIA) included employment creation estimated at 3,200 jobs. The Proposed Development will affect the Green Horizons Park area and is reported under the displacement effects below. The design of the Proposed Development has sought to keep adverse effects to a minimum.
- 8.3.41 An **ETS** has been prepared and submitted as part of the application for development consent **[TR020001/APP/7.05]**. The **ETS [TR020001/APP/7.05]** specifically focuses on maximising employment opportunities at the local level (Luton) and Three Counties in particular.
- 8.3.42 The **ETS [TR020001/APP/7.05]** includes goals for the construction assessment phase in apprenticeships, local employment, and tendering contract opportunities to local companies, for example, small and medium sized enterprises. Tendered contracts can stipulate targets for appointed lead contractor firms. Liaison will be undertaken with existing education bodies in advance of the construction programme to advise on future skills requirements that can tailor with the construction skills forecast. A number of existing operators have bespoke training programmes – such as easyJet Academy. It is anticipated that a Workplace Charter for employers, defined in the **ETS [TR020001/APP/7.05]**, will be developed to work towards a set of agreed objectives that will include a focus on local employment and training initiatives.
- 8.3.43 By developing local training and skills and focusing on target groups such as those out of work, the **ETS [TR020001/APP/7.05]** will also act as a mitigation to the effects on housing need. It will increase the ability of existing economically active and inactive populations in Luton and the Three Counties to engage with airport-related construction and operational employment thus reducing,

particularly in relation to operational assessment phases, the increase in housing need or in commuting that may result.

Hotel Need

- 8.3.44 There will also be a requirement for additional hotel accommodation to serve a 32 mppa airport. The airport is already served by a number of hotels in the vicinity, principally located between it and Parkway Station, along Airport Way. In total, there are currently 2,775 bedrooms provided by hotels in the immediate vicinity (4 miles) of the airport. The majority of these were in operation in 2019 when the airport handled 18 mppa. These hotels are heavily used by both passengers, aircrew and other visitors associated with activity at the airport. As the volume of passengers and flights using the airport grows, there will be a need for additional hotel accommodation within the vicinity of the airport. An additional 125 bedroom hotel is planned as part of the Green Horizons Business Park and there are other new hotels planned in the vicinity of the airport, providing of the order of 570 additional bedrooms. As the airport grows to 32 mppa, the additional number of hotel bedrooms required to meet the needs of passengers and other airport related visitors could exceed 2,000. Hence, a 400 bedroom hotel is planned adjacent to T2 in the later stage of development.
- 8.3.45 The proposed hotel would be located to the northeast of the existing terminal and provide around 400 beds and car parking linked to the new T2 public realm. A reference design has been undertaken to demonstrate the scale of building required to provide the proposed requirements of the hotel (see **Section 5.12** of the **DAS [TR020001/APP/7.03]**).
- 8.3.46 The proposed hotel would promote airport-related guests to use public transport including Luton DART, facilitate improved service for passengers taking early morning and late evening peak departures and arrivals, increase four-star options for potential guests, reduce private vehicles and shuttle buses on nearby roads, increase the airport's profile with conferencing facilities and provide several employment opportunities.

Planning Policy Compliance

- 8.3.47 In line with the ANPS, the NPPF and local planning policy, the Proposed Development is expected to bring forward significant economic benefits on a local, regional, and national scale.
- 8.3.48 **Chapter 11** of the **ES [TR020001/APP/5.01]** demonstrates the significant benefits associated with the Proposed Development as recognised in the ANPS, including the positive impact on direct and indirect forms of employment generated, direct and indirect GVA, increased business travel opportunities, increased tourism GDP and jobs, journey time savings and APD revenue. The local housing market is also expected to accommodate anticipated demand for housing during the construction and operational assessment phases of the Proposed Development.
- 8.3.49 Additionally, the **ETS [TR020001/APP/7.05]** sets out the opportunities, informed by stakeholders, for employment and training, in construction and operational

jobs. The strategy comprises six key goals to ensure the delivery of sustainable economic growth is supported and that the jobs and skills created as a result of the Proposed Development will generate meaningful benefits throughout the Wider Study Area. In line with the ANPS, the Proposed Development via the ETS will maximise employment and skills opportunities for local residents. The ETS also ensures compliance with LLP policies SO1 and SO6, CBCLP policy SO5 and NHDCLP policies ECON1 and ETC2.

- 8.3.50 The hotel would comprise a key element of the Proposed Development's significant sub-regional economic contribution through employment and tourism. Objective need for a new hotel next to the proposed new terminal has been demonstrated through research and has been noted in local policy. Therefore, provision of a hotel at the site of the airport expansion is, in principle, considered to be acceptable and would accord with policies LLP6 and LLP34 of the LLP.
- 8.3.51 The Proposed Development is therefore in accordance with the relevant policies and provisions concerning economics and employment (including related land use), and this matter should be accorded substantial positive weight in the planning balance.

8.4 Surface Access

Policy Context

- 8.4.1 Aviation Policy Framework (APF) paragraph 5.11 urges that all proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.
- 8.4.2 Paragraph 5.5 of the ANPS states that *"the Government's objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality."*
- 8.4.3 Paragraph 5.9 of the ANPS recommends the applicant prepares an airport surface access strategy to include the following:
- "Reflect the phasing over the development, implementation, and operational stages;*
- Reference the role of surface access in relation to air quality and carbon;*
- Specific targets for maximising the proportion of journeys made to the airport by public transport, cycling or walking;*
- Actions, policies and defined performance indicators for delivering against targets."*

- 8.4.4 Paragraph 5.10 of the ANPS states the assessment should cover the implications of airport expansion on surface access network capacity using the WebTAG methodology stipulated in the Department for Transport guidance. The applicant should consult Highways England (now National Highways), Network Rail and highway and transport authorities, as appropriate, on the assessment and proposed mitigation measures. The assessment should distinguish between the construction and operational project stages for the development comprised in the application.
- 8.4.5 Paragraph 5.13 of the ANPS states the applicant should have regard to DfT Circular 02/2013, The Strategic Road Network (SRN) and the delivery of sustainable development (or prevailing policy), and the NNNPS. Lastly, where appropriate paragraph 5.14 of the ANPS suggests the applicant should seek to deliver improvements or mitigation measures that reduce community severance and improve accessibility.
- 8.4.6 NNNPS paragraphs 5.203 to 5.205 outline that the applicant should have regard to the policies set out in local plans and also consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts. Furthermore, the applicant should consider reasonable opportunities to support other transport modes in developing infrastructure.
- 8.4.7 There are no elements of the Proposed Development that would be classified as a NSIP on the national road or rail network. However, the NNNPS remains a relevant consideration as works are proposed on the SRN at Junction 10 as part of the Proposed Development.
- 8.4.8 The NPPF sets out how transport issues should be considered from the earliest stages of plan-making and development proposals, so that: *“a) the potential impacts of development on transport networks can be addressed; (b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; (c) opportunities to promote walking, cycling and public transport use are identified and pursued; (d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.”*
- 8.4.9 NNNPS paragraphs 5.203 to 5.205 explain the general approach that should be taken when undertaking an assessment. The applicant should have regard to the policies set out in local plans and also consult the relevant highway authority, and local planning authority, as appropriate, on the assessment of transport impacts. Furthermore, applicants should consider reasonable opportunities to support other transport modes in developing infrastructure.
- 8.4.10 The LLP includes Policy LLP31 – Sustainable Transport Strategy which includes section D relating directly to transport issues associated with the airport. It states: *“D. Support for the continued economic success of London Luton Airport as a transport hub (policy LLP6) will be delivered through measures to ensure there is capacity at strategically important junctions; and*

continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy.”

- 8.4.11 Policy LLP32 – Parking also includes specific measures for the airport stating, *“parking provision will be stringently controlled at London Luton Airport”*. Policy LLP2 sets the standards in order to promote a modal shift but noting *“sufficient parking should be provided to help ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided.”*
- 8.4.12 Policy T2, Highways Safety and Design, of the CBCLP states that *“Proposals for new development must not have a detrimental effect on highway safety and patterns of movement, must provide appropriate access and have regard to the Council’s standards as set out in the Council’s Design Guide and Highway Construction Standards and Specifications Guidance”*.

Assessment

- 8.4.13 **Chapter 18** of the **ES [TR020001/APP/5.01]** identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to surface access, traffic, and transport during the construction assessment phase and once the Proposed Development is complete and fully operational.
- 8.4.14 During the operational assessment phase following assessment Phases 2a and 2b, there is expected to be an increase in traffic. The section of Airport Way between A505 Vauxhall Way and Percival Way, for example, is estimated to see an increase from a low level of daily traffic flow of just over 4,200 vehicles per day to around 8,500 vehicles per day. More specific detail on the increase in traffic is provided in Section 18.9 of **Chapter 18** of the **ES [TR020001/APP/5.01]**.
- 8.4.15 During the operational assessment phase that follows assessment Phase 2b, there are expected to be no significant impacts to pedestrians in terms of delays, fear, and intimidation (as defined in **Chapter 18** of the **ES [TR020001/APP/5.01]**). This also applies to users of public transport to and from the airport. Also see Section 18.9 of **Chapter 18** of the **ES [TR020001/APP/5.01]** for calculations and route-specific conclusions.
- 8.4.16 **A Surface Access Strategy (SAS) [TR020001/APP/7.13]** has been prepared for the Proposed Development which sets out the long-term vision and objectives for surface access, covering a 20-year time period, to guide the long-term growth of the airport. The vision of the SAS is to:
- Work with partners to contribute towards high quality, efficient, reliable and sustainable surface access for all airport users, and provide for growth while supporting the needs of local communities.*
- The Applicant will make the best use of the existing runway to provide the maximum benefit to the local and subregional economy whilst actively managing surface access impacts in line with the commitment to responsible and sustainable development.*
- 8.4.17 There are five objectives that accompany the vision.

- a. Increase air passenger public transport mode share.
- b. Increase employee sustainable travel mode share.
- c. Support Luton Borough Council's climate ambitions.
- d. Strive to be the best possible neighbour to communities and authorities.
- e. Contribute towards the local economy through multi-modal transport links.

- 8.4.18 Alongside this, the **Framework Travel Plan (FTP) [TR020001/APP/7.14]** sets out a framework for the content of travel plans to be produced every five years once expansion plans are approved. This is the equivalent to the ANPS's 'surface access strategies' outlined in paragraph 5.9 of the ANPS.
- 8.4.19 The FTP forms the delivery plan of the SAS, containing the longlist of interventions and measures, and targets. Surface access is also incorporated into the **GCG [TR020001/APP/7.09]**, which as discussed previously sets out processes for monitoring and mitigating environmental effects in four environmental topics over ongoing operation of airport, based on defined legally binding Limits and Thresholds.
- 8.4.20 Section 18.8 of **Chapter 18** of the **ES [TR020001/APP/5.01]** describes the Assessment embedded mitigation for surface access, traffic and transport that has been incorporated into the Proposed Development design or assumed to be in place before undertaking the assessment.
- 8.4.21 These include:
- a. Extension of the Luton DART system to serve the new terminal, which is required to maintain the benefits in modal shift that are predicted to occur now that it is operational, and which form an important part of the **SAS [TR020001/APP/7.12]**.
 - b. Proposed Off-Site Highway Intervention works listed in **Table 4.1** in **Chapter 4** of the **ES [TR020001/APP/5.01]** to reduce the adverse impact of the additional traffic on other road users. Outline design drawings showing the proposed interventions are provided in **Figures 4.1 to 4.3** of the **ES [TR020001/APP/5.03]**.
- 8.4.22 In addition to the Off-Site Highway Improvements referred to above, Section 18.8 of **Chapter 18** of the **ES [TR020001/APP/5.01]** also outlines the integrated mitigation measures for major highway works proposed within the airport to provide adequate access to the new terminal and cater for the growth in road traffic within the airport perimeter.
- 8.4.23 With regards to hazardous loads, the aviation fuel transportation has been calculated and concluded that whilst there are additional tankers travelling along the route to the existing fuel farm, it would overall have a negligible adverse effect.
- 8.4.24 The potential need to remove hazardous material from the site during the construction for the assessment Phase 2a period has been identified. The materials concerned are contaminated waste from the landfill site and asbestos

from some of the buildings that will be demolished. The volume of contaminated waste material from the landfill site in this assessment phase will be in the order of 18,500m³. No information is available on the volume of asbestos that may need to be removed from site. Overall, this is considered to have a negligible adverse effect.

Planning Policy Compliance

- 8.4.25 The Proposed Development is considered to be in accordance with paragraph 5.5 of the ANPS which seeks surface access to be “*high quality, efficient and reliable*”. The Proposed Development is not expected to give rise to any significant transport or traffic effects subject to implementing the mitigation that is proposed as assessed in **Chapter 18** of the **ES [TR020001/APP/5.01]**. The highway mitigation measures will be designed to comply with the relevant standards and the standard safety audit process will be undertaken. This is in line with APF paragraph 5.11.
- 8.4.26 Further to this, paragraph 5.5 seeks development to “*be delivered in a way that minimises congestion and environmental impacts, for example on air quality.*” As it was noted above there may be increased traffic during operation, within the **SAS [TR020001/APP/7.12]** it sets out a toolbox of interventions to ensure that the airport grows sustainably as it expands. The interventions are grouped under six priority areas – Luton DART and Rail, Bus and Coach, Walking and Cycling, Managing Vehicle Access and Parking, Road Improvement, and Technology and data. The priority areas are detailed in that section, with the longlist of interventions that form the toolbox set out in **Tables 9.1 to 9.6** in the **FTP [TR020001/APP/7.13]**. The toolbox approach ensures that under any future scenario the Applicant will be able to reduce the impact of surface access on air quality.
- 8.4.27 The **SAS [TR020001/APP/7.12]** together with the **Transport Assessment Report [TR020001/APP/7.02]** show specific targets for maximising the proportion of journeys made by non-car modes. Predicted traffic flows on the highway network in the vicinity of the airport are presented as **Tables 1.1 to 1.3** in **Appendix 18.2** of **Chapter 18** of the **ES [TR020001/APP/5.02]** for the years 2016 (18 mppa), 2027 (21.5 mppa), 2039 (27 mppa) and 2043 (32 mppa). These flows reflect the targets that have been adopted to achieve the mode shift.
- 8.4.28 As described previously, the Proposed Development is in line with paragraph 5.9 of the ANPS which states that “*the applicant must prepare an airport surface access strategy in conjunction with its Airport Transport Forum, in accordance with the guidance contained in the Aviation Policy Framework.*” The **FTP [TR020001/APP/7.13]** will provide an outline of the comprehensive monitoring process and the expansion of the airport will be subject to a concept known as Green Controlled Growth (GCG).
- 8.4.29 In line with paragraph 5.21 and 5.22 of the ANPS, the Highway Interventions that form part of the Proposed Development, which have been identified in conjunction with the local highway authorities in order to provide mitigation for the increased volumes of traffic on roads in the locality of the airport and the

corridor to the M1, will be funded by the Applicant through the section 106 agreement.

- 8.4.30 Paragraph 5.14 of the ANPS recognises that *“the surface access systems and proposed airport infrastructure may have the potential to result in severance in some locations”*, as set out in Section 2.2 of **Appendix 18.1 of Chapter 18** of the **ES [TR020001/APP/5.02]**, there were no road links that were identified as requiring further investigation and therefore there will be no significant effects due to severance.
- 8.4.31 The NNNPS seeks regard for local planning policy and consultation with relevant highway bodies. The transport modelling has been undertaken together with intensive liaison with the relevant highway authorities and has identified those junctions that require improvements. Evidence of the liaison with the highway authorities is presented in **Table 18.8 of Chapter 18** of the **ES [TR020001/APP/5.01]**.
- 8.4.32 The requirement in Policy LLP31 for measures to ensure there is capacity at strategically important junctions is shown to be met by the results of the junction assessments that form part of the assessment of the operation of the highway network with the proposed mitigation measures in place and the additional trips associated with the assessment phases as reported in **Chapter 10** of the **TA [TR020001/APP/7.02]**.
- 8.4.33 In terms of sustainable transport, and Policy LLP31 seeking *“continued enhancement of sustainable modes of transport”*, the application for development consent will promote a target which includes a commitment that 45% of air passengers travelling to and from the airport will use public transport. Furthermore, the continued enhancement of sustainable modes of travel is demonstrated by the commitment to extend the Luton DART and the provision of enhanced facilities for buses and coaches at Terminal 2.
- 8.4.34 The Proposed Development is in accordance with the relevant surface access planning policies taken as a whole, although it is acknowledged that there will be an increase in traffic. The measures outlined above will mitigate negative impacts as far as reasonably practicable and therefore the matter should be accorded limited negative weight in the planning balance.

8.5 Air Quality

Policy Context

- 8.5.1 Paragraphs 5.42 and 5.43 of the ANPS set out the considerations for decision-making with regard to air quality.

“5.42 The Secretary of State will consider air quality impacts over the wider area likely to be affected, as well as in the vicinity of the scheme. In order to grant development consent, the Secretary of State will need to be satisfied that, with mitigation, the scheme would be compliant with legal obligations that provide for the protection of human health and the environment.

5.43 Air quality considerations are likely to be particularly relevant where the proposed scheme:

- a) is within or adjacent to Air Quality Management Areas, roads identified as being above limit values, or nature conservation sites (including Natura 2000 sites and Sites of Special Scientific Interest);*
- b) would have effects sufficient to bring about the need for new Air Quality Management Areas or change the size of an existing Air Quality Management Area, or bring about changes to exceedances of the limit values, or have the potential to have an impact on nature conservation sites; and*
- c) after taking into account mitigation, would lead to a significant air quality impact in relation to Environmental Impact Assessment and / or to a deterioration in air quality in a zone or agglomeration.”*

8.5.2 The NPPF refers to how the planning system should contribute to and enhance the natural and local environment and prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution (paragraph 174); how planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national standards for pollutants (paragraph 186); and how sustainable transport should be focused to help reduce congestion and emissions and improve air quality (paragraph 105).

8.5.3 Policy LLP6 of the LLP relates to London Luton Airport. Regarding proposals for airport expansion, the policy states the following:

“Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:- [...] iv. they fully assess the impacts of any increase in Air Transport Movements on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified;”

8.5.4 CBCLP Strategic Objective SO13 states “Support the necessary changes to adapt to climate change by minimising emissions of carbon and local air quality pollutants”.

8.5.5 CBCLP Policy HQ1 states:

“The Council will ensure that all developments are of the highest possible quality and respond positively to their context. All development proposals, including extensions and change of use, must ensure that: [...] There is not an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise or air quality.”

8.5.6 CBCLP Policy CC8 also refers to airborne pollution and states:

“Development proposals which are likely to cause pollution or land instability, or are likely to be exposed to potential unacceptable levels of pollution or land instability will only be permitted where it can be demonstrated that:

- 1. In or near an AQMA, development would not have a negative impact on the local air quality and that;*
- 2. Measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life for users and occupiers, which protects health, natural and historic environment, water quality, property, infrastructure and amenity; and*
- 3. The conditions of the site can be suitably mitigated or land can be remediated for the proposed end use and cause no adverse effects.”*

8.5.7 NHDCLP Policy D4 addresses air quality and states:

“Planning permission will be granted provided that development proposals:

- a) Give consideration to the potential or actual impact on local air quality, both during the demolition/ construction phase and as a result of its final occupation and use;*
- b) Propose appropriate levels of mitigation to minimise emissions to the atmosphere and their potential effects upon health and the local environment; and*
- c) Carry out air pollution impact assessments, where required, to determine the impact on local air quality of the development.*

Where an air quality impact assessment demonstrates that a development is unacceptable from a local air quality perspective the development will be refused. Where air pollution impact assessments are not required there will still be a requirement on developers to provide appropriate levels of mitigation to address emissions of pollutants to the atmosphere.”

8.5.8 In the DBCCS air quality is mentioned in Policy CS7 (Rural Area) and Policy CS8 (Sustainable Transport) in related to emissions from cars. Air quality is also included in Policy CS30 (Sustainable Offsetting):

“Action plans will highlight mitigation measures for each AQMA. The planning system will be used to support these action plans. It does not necessarily follow that development would be harmful in an area of poor air quality or that it should be banned in an AQMA. Here, the type, scale and location of development and its traffic generation will be managed sensitively. Greater weight will be given to the consideration and removal of air pollutants.”

8.5.9 Air quality is specifically addressed in Policy CS32 (Air, Soil and Water Quality):

“Development will be required to help:

- (a) support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area; [...]*

Any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.”

Assessment

- 8.5.10 **Chapter 7** of the **ES [TR020001/APP/5.01]** identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to air quality.
- 8.5.11 A 15km by 15km grid area around the centre of the Main Application Site (as defined in **Chapter 2** of the **ES [TR020001/APP/5.01]**) of the Proposed Development was selected to account for possible significant effects to air quality as a result of airport emission sources and was selected to cover the immediate vicinity of the airport, Luton and the AQMAs in Hitchin.
- 8.5.12 The following have been assessed in relation to demolition, earthworks, and construction activity:
- a. the generation of dust, odour and elevated levels of particulate matter (PM₁₀, PM_{2.5}) arising from demolition and construction works;
 - b. increased journeys (construction related) to and from the Proposed Development on the road network; and
 - c. increased exhaust emissions from vehicles operating at the airport, airside and landside.
- 8.5.13 The following have been assessed in relation to the future operation of the Proposed Development:
- a. increased staff and passenger journeys to and from the airport on the road network;
 - b. changes in emissions from aircraft engines;
 - c. changes in emissions from vehicles operating at the airport, airside and landside;
 - d. changes in emissions from energy and heating combustion plant;
 - e. miscellaneous emissions from other airport activities, such as aircraft fire training and engine testing; and
 - f. odour emissions from airside sources.

Construction dust

- 8.5.14 During construction, the assessment considered dust from construction and demolition works. The assessment of dust emissions was used to specify appropriate mitigation for inclusion in the **CoCP [TR020001/APP/5.02]**. With these measures in place, no likely significant effects were identified.

Emissions

- 8.5.15 The air quality assessment modelled increased emissions from staff and passenger journeys on the local road network; construction traffic; increased emissions from aircraft engines and increased exhaust emissions from vehicles operating at the airport, as well as generators and boilers; and other airport activities, such as fire training and engine testing. The assessment modelled changes to air quality across assessment Phases 1, 2a and 2b with and without the Proposed Development. The maximum modelled change to pollutant concentrations was an increase of $3.4\mu\text{g}/\text{m}^3$ in NO_2 concentration values at one receptor location in assessment Phase 2b. All predicted concentrations remained below the air quality objectives set out in legislation. No likely significant effects on existing air quality were therefore identified at human receptors. Effects on ecological receptors (such as existing habitats) are discussed in Section 9.7 below.
- 8.5.16 Regarding the operational effects following assessment Phase 1, notably, no locations are predicted to exceed the annual mean standard in 2027. The maximum predicted concentration was $29.7\mu\text{g}/\text{m}^3$ at receptor H414 adjacent to the M1. Changes to annual mean PM_{10} and $\text{PM}_{2.5}$ are predicted to be negligible at all receptors and all concentrations are below the air quality standards. Therefore, the effects of NO_2 , PM_{10} and $\text{PM}_{2.5}$ at human receptors, as a result of the Proposed Development, are predicted to be not significant.
- 8.5.17 Following assessment Phase 2a, during the operational phase, pollutant concentrations for annual mean NO_2 predicted at 601 sensitive human receptors (including the heritage receptors) resulted in a predicted slight adverse impact at one receptor, H299 (Dane Street) and negligible magnitude of change for the other receptors. Changes to annual mean PM_{10} and $\text{PM}_{2.5}$ are predicted to be negligible at all receptors and all concentrations are below the air quality standards. Therefore, the effects of NO_2 , PM_{10} and $\text{PM}_{2.5}$ at human receptors, as a result of the Proposed Development, are predicted to be not significant.
- 8.5.18 As for the operational phase, assessment Phase 2b, pollutant concentrations for annual mean NO_2 predicted at 601 sensitive human receptors (including the heritage receptor) resulted in slight adverse impacts at two receptors, H44 (located at Winch Hill, east of the airport) and H299 (Dane Street) and a predicted negligible magnitude of change for the other receptors. Changes to annual mean PM_{10} and $\text{PM}_{2.5}$ are predicted to be negligible at all receptors and all concentrations are below the air quality standards. Therefore, the effects of NO_2 , PM_{10} and $\text{PM}_{2.5}$ at human receptors, as a result of the Proposed Development, are predicted to be not significant.
- 8.5.19 An **Air Quality Monitoring Plan [TR020001/APP/7.08]** has been submitted as part of the proposed **GCG Framework [TR020001/APP/7.09]**. The monitoring equipment proposed for each site will consist of two NO_2 diffusion tubes and one continuous sensor monitoring system measuring NO_2 , PM_{10} and $\text{PM}_{2.5}$, mounted on appropriate street furniture as close as possible to the eastings and northings for each location. The shortlist of sensitive locations has been derived on the basis of being locations with the greatest adverse impacts in NO_2 , PM_{10}

and PM_{2.5} as a result of the scheme. NO₂ diffusion tubes will be changed monthly. The assessment of compliance with the NO₂ annual mean air quality objective will be assessed based on the annual results from these diffusion tubes. This has been agreed with the LBC to match the approach taken across Luton and allow for directly comparable bias adjustment and results. The assessment of results will also include comparison against results from **Chapter 7** of the **ES [TR020001/APP/5.01]** and against GCG Thresholds (explain in further detail in the **Air Quality Monitoring Plan [TR020001/APP/7.08]**). The operator will be responsible for monitoring and reporting air quality data.

Odour

- 8.5.20 An odour assessment was undertaken to consider the risk of odour from aircraft emissions and works at the historic landfill. With good practice measures set out within the **CoCP [TR020001/APP/5.02]** and the **Outline Operational Air Quality Plan** provided as **Appendix 7.5** of the **ES [TR020001/APP/5.02]**, no likely significant effects were identified.
- 8.5.21 The **Outline Operational Air Quality Plan [TR020001/APP/5.02]** describes the mitigation measures identified as a result of the assessment process, that are proposed in addition to the embedded and good practice mitigation measures already considered to be in place as described in Section 7.8 of **ES Chapter 7 [TR020001/APP/5.01]**. These are proposed to reduce or mitigate the effects on air quality as a result of the construction and operation of the Proposed Development.

Planning Policy Compliance

- 8.5.22 With regard to air quality, the Proposed Development is considered to be in accordance with paragraph 3.42 and 3.43 of the ANPS and policy LLP6 of the LLP. There is also evidence of compliance with CBCLP policies HQ1 CC8, NHDCLP policy D4 and DBCCS policy CS32 on presenting measures to minimise and mitigate the impacts on air quality as a result of the Proposed Development.
- 8.5.23 The Proposed Development will sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of the nearby Air Quality Management Areas (i.e., Hitchin). Taking into account the CoCP and good practice measures, there are not expected to be any significant adverse impacts to air quality, regarding the impacts of the Proposed Development on odour, emissions and dust.
- 8.5.24 In accordance with the NPPF paragraphs 174 and 186, opportunities to improve air quality or mitigate impacts have also been identified in the **Outline Operational Air Quality Plan [TR020001/APP/5.02]**.
- 8.5.25 Notably, the **Air Quality Monitoring Plan [TR020001/APP/7.08]** which has been submitted as part of the proposed **GCG Framework [TR020001/APP/7.09]** sets out how air quality will be monitored around the Application Site to ensure NO₂, PM₁₀ and PM_{2.5} levels remain below the GCG Thresholds. Failure to carry out monitoring and reporting as stated in the

document will constitute a breach of the Development Consent Order and may result in enforcement action.

- 8.5.26 The Proposed Development is therefore considered to be in accordance with the relevant planning policies and provisions governing air quality and, with the mitigation measures proposed, should attract only a limited negative weight in the planning balance.

8.6 Noise and Vibration

Policy Context

- 8.6.1 Paragraph 3.29 of the Aviation Policy Framework (APF) sets out the overall objective for noise “to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise” and defines the principles for noise envelopes “as a means of giving certainty to local communities about the levels of noise which can be expected in the future and to give developers certainty on how they can use their airports.” In particular it notes that “*within the limits set by the envelope, the benefits of future technological improvements should be shared between the airport and its local communities to achieve a balance between growth and noise reduction*”. Inherently, this means that a balance needs to be struck between the economic benefits to communities from permitting growth and the noise impacts of doing so, with the industry able to share more of the benefits of quieter aircraft in return for greater socio-economic benefits.”
- 8.6.2 This is furthered in paragraph 3.30 which states “*local communities are encouraged to work with airports to develop acceptable solutions which are proportionate to the scale of the noise problem and be involved in discussions about the acceptable limits of noise. The Government believes that the process of designing and consulting on a noise envelope could be a suitable mechanism to achieve this.*”
- 8.6.3 Paragraph 3.12 of the APF states “*The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.*” This objective is repeated in Air Navigation Guidance 2017 which is government guidance for the airspace change process.
- 8.6.4 Paragraph 5.67 of the ANPS states that: “*The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England (NPSE), the National Planning Policy Framework (NPPF) and the Government’s associated planning guidance on noise.*”
- 8.6.5 The Noise Policy Statement for England (NPSE) (Ref 8.1) sets out three aims which include avoiding significant adverse impacts, mitigating, and minimising adverse impacts and contributing to the improvement of health and quality of life.

- 8.6.6 Paragraph 5.68 of the ANPS repeats the Government's noise policy (NPSE) and states that "*development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development: Avoid significant adverse impacts on health and quality of life from noise; Mitigate and minimise adverse impacts on health and quality of life from noise; and where possible, contribute to improvements to health and quality of life.*"
- 8.6.7 Paragraphs 5.54 to 5.66 of the ANPS provide details of the type of mitigation measures that could be incorporated into an airport development during construction or operation.
- 8.6.8 Paragraph 5.60 of the ANPS requires that the applicant should put forward plans for a Noise Envelope. Paragraph 5.64 of the ANPS states that best practice noise mitigation measures should be adopted for the construction assessment phase.
- 8.6.9 The NPPF refers to how local planning policy should contribute to and enhance the natural and local environment. New development should take into account impacts on health, living conditions and the natural environment. Noise adverse impacts should be mitigated and reduced to a minimum and noise giving rise to significant adverse impacts on health and quality of life should be avoided. Planning decisions should prevent unacceptable noise effects.
- 8.6.10 Policy LLP6 of the Luton Local Plan (LLP) sets out requirements for airport expansion including an air noise, ground, and noise assessment. Provision on how noise will be controlled and managed must be made.
- 8.6.11 Policy CC8 of the CBCLP requires measures to be implemented to reduce noise impacts from new developments.
- 8.6.12 NHDCLP paragraph 9.20 summarises that any impacts a development has should be identified and appropriate mitigation built into the scheme.

Assessment

- 8.6.13 **Chapter 16** of the **ES [TR020001/APP/5.01]** identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to noise and vibration.

Construction noise

- 8.6.14 Significant adverse effects on health and quality of life are determined by exposure to noise above the Significant Observed Adverse Effect Level (SOAEL). Adverse likely significant effects are evaluated in line with British Standards and best practice for construction noise above the Lowest Observed Adverse Effect Level (LOAEL) for day, evening, and night (as defined in Section 16.5 of **Chapter 16** of the **ES [TR020001/APP/5.01]**). Taking account of the mitigation measures in the Code of Construction Practice, no exposure above the SOAEL is predicted for construction noise and no likely significant effects have been identified.

Aircraft air noise

- 8.6.15 The mitigation and compensatory mitigation measures presented in **Chapter 16** of the **ES [TR020001/APP/5.01]** will mitigate and minimise adverse impacts from noise and avoid significant adverse impacts from noise on health and quality of life. The measures centre on the Noise Envelope (as part of the GCG Framework) and an extensive noise insulation policy. The Noise Envelope which is designed to protect communities whilst enabling the airport to operate efficiently and allow it to grow in accordance with the Limits defined by the Noise Envelope. The GCG Framework commitment to review Limits and Thresholds in the Noise Envelope and provide periodic updated forecasts will ensure that known improvements in aircraft technology will be shared between local communities and the Applicant. In line with ANPS 5.60, the Noise Envelope Design Group has been formed to ensure that “*the design of the envelope should be defined in consultation with local communities and relevant stakeholders*”. Further detail on the Noise Envelope Design Group is provided in Section 16.4 of **ES Chapter 16 [TR020001/APP/5.01]**.
- 8.6.16 The mitigation and compensatory mitigation measures provide certainty to the industry and communities about how noise will be managed to comply with Government noise policy. The Noise Envelope (GCG Framework sets Noise contour area Limits and Thresholds, at which action should be taken to ensure limits are not exceeded). In addition to the **Operational Noise Management Plan [TR020001/APP/5.02]**, the **Operational Noise Management (Explanatory Note) [TR020001/APP/5.02]**, **GCG Framework Explanatory Note [TR020001/APP/7.08]**, set out in full, the approach, Limit and Thresholds, review and monitoring concerning aircraft noise.
- 8.6.17 The predicted air noise in assessment Phases 1, 2a and 2b shows that overall, even with the Proposed Development, there will be a reduction in the number of people who would experience adverse effects on health and quality of life compared to the 2019 ‘current’ baseline. By assessment Phase 2b 1,150 fewer people will be exposed to noise levels above the SOAEL during the daytime and 1,700 fewer people will be exposed to noise levels above the SOAEL during the night-time compared to the 2019 baseline. This reduction in noise exposure over time is due to quieter and more efficient aircraft that will be phased into the fleet, with the noise limits in the Noise Envelope in place to make sure this noise reduction is delivered.
- 8.6.18 Whilst there will be noise reductions over time from the 2019 current baseline to future assessment years with the Proposed Development, there will be increases in noise in a given year when comparing the situation with and without the Proposed Development. This is because the ongoing transition to quieter new-generation aircraft will happen with or without the Proposed Development. It is this change which is used to identify likely significant effects in EIA terms.
- 8.6.19 In assessment Phase 1, where likely significant adverse effects due to noise change above SOAEL are predicted to occur as early as 2027, the full roll out of noise insulation may not have been completed before the relevant noise change occurs. However, it is important to note that these communities are already

exposed to noise levels above the SOAEL in the 2019 Actuals baseline, and will experience a lower noise exposure in 2027, even with the Proposed Development in place. These effects are therefore not significant effects on health and quality of life as a result of the Proposed Development but are adverse likely significant effects in EIA terms when considering the change from the Do-Minimum (without the Proposed Development) to the Do-Something (with the Proposed Development) scenario in 2027. Whilst the noise insulation scheme will be rolled out as quickly as is reasonably practicable, it may not be possible to offer and install noise insulation (where the offer is accepted) to all impacted communities before the relevant noise change occurs, due to the capacity of the market to meet immediate demand. In such cases there may be temporary adverse likely significant effects in assessment Phase 1 for 3,800 until such time as noise insulation can be provided and the adverse likely significant effects avoided.

8.6.20 In assessment Phase 2a, the extensive noise insulation scheme that forms part of the application for development consent would avoid the adverse likely significant effects that would otherwise occur for 200 people during the day and 2,600 people during the night. By assessment Phase 2a, noise insulation will have been rolled out to all the communities that would otherwise experience adverse likely significant effects.

8.6.21 In assessment Phase 2b, the extensive noise insulation scheme that forms part of the application for development consent would avoid the adverse likely significant effects that would otherwise occur for 500 people during the day and 3,250 people during the night. By assessment Phase 2b, noise insulation will have been rolled out to all the communities that would otherwise experience adverse likely significant effects.

Aircraft ground noise

8.6.22 With respect to aircraft ground noise, households adjacent to the airport are expected to experience changes in noise levels across the assessment phases (increases of up to 3dB and decreases of up to 2dB). However, the vast majority of these noise changes will be experienced by the population at lower noise exposure levels between the LOAEL and SOAEL, and the magnitude of change would not lead to adverse likely significant effects.

8.6.23 A small number of households (6 in assessment Phase 1, reducing to 4 in assessment Phase 2a and 2b) close to the airport will experience adverse likely significant effects due to ground noise change above SOAEL that will be avoided by the provision of noise insulation due to air noise exposure.

Surface access noise

8.6.24 Minor increases in road traffic are expected on most major routes but typically not to the extent that they would result in significant adverse effects in terms of road traffic noise exposure. However, for some houses along Crawley Green Road, minor increases in road traffic noise in assessment Phase 2a and Phase 2b could lead to indirect adverse likely significant effects because of the existing high road traffic noise levels in the area (above the SOAEL). As these effects are far into the future and depend on forecast traffic data, the effects will be

reassessed using more up to date traffic data nearer the time, and noise insulation will be provided to avoid the significant effects should the reassessment confirm that they are likely to occur.

- 8.6.25 Potential indirect adverse likely significant effects in assessment Phase 2b are also predicted for some residents in Tea Green as a result of increased traffic on Stony Lane, although absolute road traffic noise levels are not expected to be high (i.e., they remain below the SOAEL).
- 8.6.26 There are also some localised beneficial effects on road traffic noise associated with the Proposed Development. For example, once the airport access road is open, road traffic, and therefore road traffic noise, on Eaton Green Road is expected to reduce. However, these beneficial effects are not likely to be significant.

Other noise and vibration sources

- 8.6.27 Other noise and vibration sources include vibration from aircraft on the ground and noise and vibration from the extension of the Luton DART. These potential sources of noise and vibration are over 400m from the nearest houses and noise sensitive buildings so no likely significant effects have been identified. Likely significant effects from fixed plant (such as substations, fuel storage facilities and other building services) will be avoided through a requirement to design these to meet a specified process to control noise and avoid significant effects at the nearest houses and sensitive receptors.

Planning Policy Compliance

- 8.6.28 In line with paragraph 5.67 of the ANPS, due regard has been paid to relevant national policy on aviation noise with extensive modelling and measures outlined in **Chapter 16** of the **ES [TR020001/APP/5.01]**. This includes describing in full the embedded mitigation for construction noise, air noise, ground noise and road traffic noise that has been incorporated into the Proposed Development design or assumed to be in place before undertaking the assessment.
- 8.6.29 Paragraph 3.12 of the APF states *“The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.”*
- 8.6.30 Aviation 2050 and Flightpath to the Future outline the Government’s proposals for updates to aviation noise policy. The noise assessment in the Environmental Assessment and the mitigation and compensation measures brought forward as part of the scheme are in line with these government proposals.
- 8.6.31 Paragraph 5.68 of the ANPS states that development consent should not be granted unless the SoS is satisfied that the proposals *“will avoid significant adverse impacts on health and quality of life from noise; mitigate and minimise adverse impacts on health and quality of life from noise and where possible, contribute to improvements to health and quality of life.”*

- 8.6.32 The compensatory mitigation measures have been developed so that in combination with the embedded noise management measures they meet paragraph 3.12 of the APF and paragraph 5.68 of the ANPS and the NPPF where noise adverse impacts should be mitigated and reduced to a minimum. This is achieved through an extensive noise insulation scheme in line with Aviation 2050 which contains eligibility criteria in line with, and below, the relevant SOAEL values.
- 8.6.33 The mitigation measures proposed are consistent with Policy LLP6 of the LLP which seeks for provision on how noise will be controlled and managed as well as Policy CC8 of the CBCLP and NHDCLP paragraph 9.20 where noise mitigation should be embedded into new development.
- 8.6.34 It is noted that the assessment of surface access noise from the Proposed Development presented has identified the potential for indirect significant adverse effects where road traffic noise levels are expected to be above the SOAEL with the Proposed Development in place.
- 8.6.35 As described earlier, paragraph 5.60 of the ANPS sets out the need for a noise envelope and *“the benefits of future technological improvements should be shared between the applicant and its local communities, hence helping to achieve a balance between growth and noise reduction”* and it is acknowledged that the development will increase air noise compared to a no development scenario.
- 8.6.36 The extent of increase in noise is dependent on future aircraft technology. The continuing transition of the aircraft fleet at Luton to quieter new-generation aircraft (e.g., A321 Neo and B737 Max) will enable the benefits of the planned growth to be realised through the 2020s and 2030s but with the communities still benefitting from the introduction of the new aircraft technology to deliver noise improvements. The improvements from aircraft technology are secured by the Noise Envelope that forms part of Green Controlled Growth to ensure that the impacts are managed commensurate with the extent of beneficial growth delivered. Nonetheless, the noise change caused by planned growth in the 2040s onwards will depend on the noise performance of next-generation aircraft that are being designed first and foremost to reduce carbon and whose noise performance is not yet confirmed. If and when quieter next-generation aircraft are confirmed, then the community benefits will be secured by the Noise Envelope.
- 8.6.37 **Chapter 16** of the **ES [TR020001/APP/5.01]** confirms how the combination of the secured Noise Envelope and Noise Insulation policy will:
- a. limit and reduce the number of people significantly affected;
 - b. mitigate and minimise any long-term adverse effects of noise on health and quality of life;
 - c. avoid significant effects;
 - d. prevent unacceptable levels of noise; and
 - e. share the noise benefits of future technology.

- 8.6.38 The socio-economic benefits of the development as discussed previously are relevant to noise:
- a. Overall air noise experienced by communities will increase as a result of the development.
 - b. Noise at night-time will always be higher than the noise limits set by the extant planning permission (and those proposed in 19 mppa application).
 - c. The Noise Policy Statement for England expressly defines that meeting its three noise aims “is in the context of government sustainable development policy”.
 - d. While the Noise Envelope will share the noise benefits of future technology, it is likely that the industry’s share will be greater than the community share and CAA guidance for Noise Envelopes identifies that socio-economic benefits are relevant to determining how noise benefits are shared.
- 8.6.39 The Proposed Development is in accordance with the relevant planning policies and provisions governing noise, although it is acknowledged, allowing for a reasonable worst case, that there will be an increase in aircraft air noise and road traffic noise. The mitigation and compensation measures outlined above, including sharing the benefits, will mitigate negative effects as far as reasonably practicable and moderate negative weight should be accorded to the residual impacts in the planning balance.

8.7 Carbon Emissions and Greenhouse Gases

Policy Context

- 8.7.1 The Jet Zero Strategy sets out strategic objectives for airport development in the UK. These are *maximising and making efficient use of our existing airspace, aircraft and airports, all airport operations in England to be zero emission by 2040, delivery of the Airspace Modernisation Strategy up to 2040 and to grow the UK share of the global aerospace manufacturing market as more efficient technology emerges.*” It includes a “High ambition” scenario to reduce in-sector aviation emissions.
- 8.7.2 Beyond the Horizon - The future of UK aviation, MBU considers the implications of airport growth for the UK’s carbon commitments and sets out that, on the basis that future carbon emissions can be managed, Government believes there is a case for airports making best of their existing runways across the whole of the UK. Accordingly, it is considered that carbon from aircraft is a national government matter not for individual applicants.
- 8.7.3 Paragraph 5.76 of the ANPS sets out the considerations that will need to be taken into account for an assessment of GHG emissions, including the quantification of impacts. Paragraph 5.76 requires the applicant to: a. *“Provide evidence of the carbon impact of the project (including embodied carbon), both from construction and operations such that it can be assessed against the Government’s carbon obligations, including but not limited to carbon budgets. B. Quantify GHG impacts before and after mitigation to show the impacts of the*

proposed mitigation. C. Split emissions into traded and nontraded sector.”

Paragraph 5.78 states that the SoS needs to be satisfied that mitigation measures are acceptable and provides a list of suggested measures for inclusion. Paragraph 5.78 suggests “*a management /project plan may help clarify and secure mitigation at this stage*”.

- 8.7.4 Notably, paragraph 5.82 of the ANPS states that “*any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets*”.
- 8.7.5 Paragraph 152 of the NPPF states that: “*the planning system should support the transition to a low carbon future in a changing climate (...) It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*” Paragraph 154 states that: “*New development should be planned for in ways that (...) can help to reduce greenhouse gas emissions, such as through its location, orientation and design.*”
- 8.7.6 Paragraph 155 of the NPPF states that: “*To help increase the use and supply of renewable and low carbon energy and heat, plans should: a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and In line with the objectives and provisions of the Climate Change Act 2008. c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*”
- 8.7.7 Paragraph 5.16 of the NNNPS states that: “*Carbon budgets and plans will include policies to reduce transport emissions, taking into account the impact of the Government’s overall programme of new infrastructure as part of that.*” Paragraph 5.17 explains that any carbon impacts should be included at the option appraisal stage and as part of the EIA for the application of development consent, and that applicants should provide evidence of the carbon impacts and assess them against the carbon budgets.
- 8.7.8 Strategic Objective 11 of the LLP aims to increase energy and water efficiency and encourage and promote the use of renewable energy sources and ensure effective waste management. Policy LLP25 - High Quality Design states: “*Proposals will need to demonstrate adherence to the best practice principles of urban design to help create quality places in the Borough. In particular, where the following design criteria are material to an application site, its context and development proposals, provision should be made to: (...) reduce carbon emissions, risk of flooding, and increase energy and water efficiency and quality.*” Policy LLP31 - Sustainable Transport Strategy states: “*Support for the*

continued economic success of London Luton Airport as a transport hub (policy LLP6) will be delivered through: a. measures to ensure there is capacity at strategically important junctions; and continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy.”

- 8.7.9 The CBCLP aims to reduce the impact of the proposed developments by at least 10%. It includes the Policy CC1: Climate Change and Sustainability to ensure that new developments contribute to the mitigation of climate change and minimise the lifetime carbon emissions resulting from the development with the aim to reduce the impact of the proposed developments by at least 10%.
- 8.7.10 The NHDCLP addresses the climate change by setting out policies to mitigate effects of climate change through efficient use of natural sources, use of sustainable construction techniques, use of renewable energy technologies.

Assessment

- 8.7.11 **Chapter 12** of the **ES [TR020001/APP/5.01]** identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to carbon emissions.
- 8.7.12 This chapter finds that the Proposed Development will result in increased carbon emissions, relative to the Future Baseline, due to the increase in passenger and aircraft movement numbers.
- 8.7.13 It is important to note that market-based systems including the UK Emissions Trading Scheme (UK ETS) and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) will continue to provide controlling mechanisms to manage aviation emissions so that they remain on a downwards trajectory consistent with UK carbon budgets and the 2050 ‘net zero’ target.
- 8.7.14 The UK Emissions Trading Scheme (UK ETS) is a key market-based cap and trade scheme introduced to limit the emissions of large emitters. The scheme sets a cap on emissions that will fall over time, consistent with the UK’s carbon budgets.
- 8.7.15 In addition to the UK ETS is CORSA, the Carbon Offsetting and Reduction Scheme for International Aviation. Within CORSA, aircraft operators will be compelled to purchase carbon credits to offset any emissions that exceed a specified baseline.
- 8.7.16 The combination of UK ETS and CORSA provide controls on the aviation emissions from the Proposed Development that are in line with UK Government policy, and consistent with the UK’s legally binding emissions reduction targets.
- 8.7.17 A summary of measures that have been incorporated into the design of the Proposed Development and that have been accounted for are presented in Tables 12.24 onwards in **Chapter 12** of the **ES [TR020001/APP/5.01]**. These include aviation, operation, surface access and construction measures.
- 8.7.18 The embedded mitigation measures in Section 12.8 of **Chapter 12** of the **ES [TR020001/APP/5.01]**, the **GCG Framework Explanatory Note**

[TR020001/APP/7.08], sets out in full, the approach, Limit and Thresholds, review and monitoring concerning airport greenhouse gas emissions.

- 8.7.19 It can be seen that aviation emissions from the Proposed Development are:
- a. aligned with existing and emerging best practice, as described in the UK Government’s Jet Zero Strategy;
 - b. controlled via a combination of the UK ETS and CORSIA, meaning that they cannot exceed the limits set by these market-based mechanisms;
 - c. account for only a very small proportion of emissions within the Jet Zero Strategy High Ambition scenario; and
 - d. fall at the same rate as Jet Zero Strategy High Ambition scenario between the baseline year of 2019 and 2050.
- 8.7.20 The combination of these factors allows the significance of aviation emissions to be evaluated as minor adverse and not significant in **Chapter 12** of the **ES [TR020001/APP/5.01]**.
- 8.7.21 Similarly, the significance of each of the four emissions sources (aviation, operation, surface access and construction) was evaluated to be minor adverse and not significant, with the same significance being applied to the Proposed Development as a whole.

Planning Policy Compliance

- 8.7.22 The modelling of airport operational emissions in the GHG assessment for the Proposed Development include the Jet Zero Strategy target for airport operations to be zero emissions by 2040.
- 8.7.23 As demonstrated above, the Proposed Development aligns with the Jet Zero Strategy in paragraph 3.46 where it states *“The UK Emissions Trading Scheme (UK ETS) covers all domestic flights in the UK as well as flights from the UK to the EEA, and to and from Gibraltar. This Strategy draws on UK ETS Authority proposals in the Developing the UK ETS consultation to increase the ambition of the scheme by aligning the cap with a clear net zero trajectory, and new carbon price assumptions which illustrate the potential costs faced by airline operators in future. This Strategy also reflects the need to expand the reach and impact of carbon markets by facilitating interaction between UK ETS and other international schemes such as CORSIA.”* The available allowances place a cap on the total amount of GHG emissions that can be emitted by sectors, including aviation, covered by the UK ETS. This cap will be reduced over time, in line with the government’s national carbon reduction obligations net zero carbon reduction targets.
- 8.7.24 As detailed in **Chapter 12** of the **ES [TR020001/APP/5.01]**, the increase in emissions resulting from the Proposed Development are not so significant as to materially impact the Government’s ability to meet its 2050 carbon reduction targets, including carbon budgets in line with paragraph 5.82 of the ANPS which states *“any increase in carbon emissions alone is not a reason to refuse development consent, unless the increase in carbon emissions resulting from the project is so significant that it would have a material impact on the ability of*

Government to meet its carbon reduction targets, including carbon budgets.”

Key emissions sources are controlled by either external or internal mechanisms that will prevent them from exceeding strict specified limits as described above.

- 8.7.25 In line with paragraph 5.78 of the ANPS which states *“the SoS will need to be satisfied that the mitigation measures put forward by the applicant are acceptable”*, it has been demonstrated that mitigation measures have been incorporated into the Proposed Development design, construction, and operation to minimise and mitigate the impacts of GHG emissions on climate change. These measures have been collated into the **Outline GHG Action Plan** available in **Appendix 12.1** of the **ES [TR020001/APP/5.02]**.
- 8.7.26 Emissions from the airport and surface access fall within the scope of the **Green Controlled Growth (GCG) Framework [TR020001/APP/7.09]**. This framework sets limits on emissions from specified sources and controls the growth in passenger numbers should these limits be breached. The GCG framework means that qualifying emissions cannot increase beyond these strict limits.
- 8.7.27 The Proposed Development is in accordance with the relevant carbon and greenhouse gas planning policies taken as a whole. There is acknowledgement that during construction there is a minor adverse effect, as well as on airport operations, however as described above, the **GCG Framework [TR020001/APP/7.09]** seeks to mitigate GHG where reasonably practicable and any increase in carbon emissions alone is not a reason to refuse development consent. The matter should be accorded limited negative weight in the planning balance.

8.8 Biodiversity and Ecological Conservation

Policy Context

- 8.8.1 Paragraphs 5.89 – 5.91 of the ANPS set out the considerations for an assessment of biodiversity and ecological conservation, with a general aim of achieving no net loss to biodiversity: *“The Government’s biodiversity strategy is set out in Biodiversity 2020: A Strategy for England’s wildlife and ecosystem services. Its aim is to halt overall biodiversity loss, support healthy, well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.”* Paragraphs 5.92 to 5.95 describe the approach that should be taken to the incorporation of ecological mitigation measures into an airport development during construction or operation. Paragraph 5.104 discusses opportunities for enhancement of biodiversity as part of the design process: *“The proposed development comprised in the preferred scheme should provide many opportunities for building in beneficial biodiversity as part of good design. When considering proposals, the SoS will consider whether the applicant has maximised such opportunities in and around developments, and particularly to establishing and enhancing green infrastructure.”*
- 8.8.2 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied by Local Authorities within their Local

Development Frameworks (LDF). Chapter 15 of the NPPF ‘Conserving and enhancing the natural environment’ sets out the requirements to consider biodiversity in planning decisions. Paragraphs 179 to 182 stipulate requirements to protect and enhance biodiversity (paragraph 179), what principles a local planning authority should apply when determining planning applications (paragraph 180), what sites that are currently afforded preliminary etc status should be given the same protection as habitat sites (paragraph 181), and that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site (paragraph 182).

- 8.8.3 The Environment Act (2021) (Ref 8.2) includes a mandatory requirement for developments to provide a 10% biodiversity net gain from an as yet unconfirmed date, expected to be in November 2023.
- 8.8.4 LLP Policy LLP28 - Biodiversity and Nature Conservation states that; *“The Council will work to positively assess, manage, and designate sites and ecological networks including giving support to development proposals that add to the net stock of wildlife habitats or where they help to deliver a net gain in the conservation and enhancement of such sites.”*
- 8.8.5 The CBCLP Policy EE2: Enhancing Biodiversity states that *“Development proposals will be permitted where they provide a net gain in biodiversity through the conservation, restoration, enhancement and creation of ecological networks of habitats, species and sites Development proposals will be permitted where they avoid negative impacts on biodiversityWhere this is not possible, proposals must mitigate unavoidable impacts and, as a last resort, compensate for residual impacts”*
- 8.8.6 The NHDCLP Policy SP12 states that the Local Planning Authority (LPA):
- “Will accommodate significant growth during the plan period whilst ensuring the natural environment is protected and enhanced. We will:*
- a) Protect, identify, manage and where possible enhance a strategic multi-functional network of green infrastructure;*
 - b) Consider and respect landscape character, scenic beauty and locally sensitive features, particularly in relation to the Chilterns Area of Outstanding Natural Beauty;*
 - c) Protect, enhance and manage designated sites in accordance with the following hierarchy of designations and features:*
 - i. internationally designated sites*
 - ii. Nationally designated sites*
 - iii. Locally designated sites;*
 - iv. Non-designated sites that include important habitats and species*
 - d) Protect, enhance and manage biodiversity networks including wildlife corridors, ancient woodlands and hedgerows, wetland and riverine*

habitats, Local Geological Sites, protected species, priority species and habitats, and non-designated sites of ecological value and ensure measurable net gains for biodiversity; and

e) Protect other open spaces and support provision of new and improved open space.”

Assessment

- 8.8.7 **Chapter 8** of the **ES [TR020001/APP/5.01]** provides an assessment of the likely impacts of the Proposed Development with regard to biodiversity and ecological conservation.
- 8.8.8 The Proposed Development has been designed, as far as possible, to avoid effects on biodiversity through option identification, appraisal, selection, and refinement, for example, by avoiding loss of ancient woodland.
- 8.8.9 Mitigation measures have been embedded into the Proposed Development for the purpose of minimising effects related to ecological receptors. These measures focus on implementing the mitigation hierarchy where possible to minimise the effects.
- 8.8.10 A summary of measures that have been embedded into the design of the Proposed Development through design iterations are set out in Section 8.8 of **Chapter 8** of the **ES [TR020001/APP/5.01]**.
- 8.8.11 The Proposed Development would result in the loss of 98.7% of Wigmore Park County Wildlife Site (CWS) following assessment Phase 2b, and the loss of c.20% of the Dairyborn Scarp District Wildlife Site.
- 8.8.12 It is recognised that time is required for the proposed new areas of habitat to become established to a level at which they provide an equivalent biodiversity value to that lost to the Proposed Development at Wigmore Park CWS; therefore, the Proposed Development does not initially fully mitigate the loss of biodiversity at the CWS in the short term although this will be mitigated as the new vegetation reaches maturity in the long term (within 10-12 years).
- 8.8.13 Winch Hill Wood CWS/Local Wildlife Site (LWS) and ancient woodland would be retained, with the exception of minor tree removal on the perimeter of the site for arboricultural reasons only. These sites would also be subject to indirect effects as a result of construction disturbance and through the removal of connected belts of trees and hedgerows, especially those that offer ecological corridors between the habitats. This isolation may result in the loss of dispersal routes for the flora and fauna leading to the degradation of the ancient woodland community that forms the designating feature of Winch Hill Wood CWS/LWS. The Proposed Development includes the provision of habitat creation measures as part of the landscape restoration, including meadow grassland, scrub, and woodland, within land which has been intensively managed for agriculture, directly adjacent to Winch Hill Wood CWS/LWS. These measures will reduce the impact of the loss of connecting ecological corridors; however, given the time required for habitats to establish to a level at which they provide an equivalent biodiversity resource to that lost, a temporary

adverse impact, of low magnitude, on the structure and function of the site of county value.

- 8.8.14 With substantial habitat replacement provided by the Proposed Development, resulting in a minimum of 10% biodiversity net gain, and mitigation in place, as described above, these effects are not likely to be significant after habitats and planting has been established.
- 8.8.15 There are minor beneficial effects on other mammals throughout all phases with the additional habitat creation and enhancement provided as part of the Proposed Development.
- 8.8.16 During operation of the Proposed Development, disturbance may displace protected species from using habitats adjacent to the airport. In addition, effects may occur due to changes to the quantity and direction of surface water run-off. However, with mitigation in place, these effects are not likely to be significant. Mitigation measures are included in the **Outline Landscape and Biodiversity Management Plan** in **Appendix 8.2** of the **ES [TR020001/APP/5.02]** which include monitoring of exclusion zones, species, bird strike and biosecurity.
- 8.8.17 The air quality assessment of ecological sites detailed in **Chapter 7** of the **ES [TR020001/APP/5.01]** found a temporary significant effect on Winch Hill Wood, as a result of nitrogen deposition and the resulting effect on species richness. However, with the management of the woodland to improve its condition, as set out within the **Outline Landscape and Biodiversity Management Plan [Appendix 8.2 of the ES [TR020001/APP/5.02]]**, this effect would reduce in the long term.
- 8.8.18 For operation, there are no significant adverse residual effects reported. Furthermore, the provision of habitats as part of the landscaping proposals is considered to provide a long-term benefit due to the net increase of habitats.
- 8.8.19 It is noted that there are some minor adverse effects, notably on the County and Local Wildlife sites and air quality changes, more information is available in the accompanying Biodiversity **ES Chapter 8** and the Air Quality **ES Chapter 7 [TR020001/APP/5.01]**.

Planning Policy Compliance

- 8.8.20 Where possible, the Proposed Development has been designed to avoid or reduce adverse effects on valued ecological features and deliver benefits for biodiversity in accordance with policy and best practice. Where minor adverse effects were anticipated, mitigation measures have been incorporated to ensure these are not significant.
- 8.8.21 The Proposed Development has included conservation measures where possible and that extensive mitigation measures are incorporated where it is not. This is in line with paragraph 5.91 and 5.96 of the ANPS which states *“development should avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives.”*

8.8.22 Overall, the Proposed Development would deliver a minimum of 10% biodiversity net gain through the extensive landscaping and habitat creation proposals and the management of retained and proposed habitat areas in accordance with the Environment Act (2021), paragraph 174 of the NPPF which states decisions should be “*minimising impacts on and providing net gains for biodiversity*” as well as LLP policy LLP28, CBCLP policy EE2 and NHDCLP policy SP12. The Proposed Development is therefore in accordance with the relevant policies and provisions, with regard to the biodiversity net gain that would be delivered. Notwithstanding the time taken for the planting and mitigation measures to be established, this matter can be accorded positive weight in the planning balance.

8.9 Landscape and Visual Impacts

Policy Context

- 8.9.1 Paragraph 5.213 of the ANPS advises that for airport development, landscape and visual effects also include tranquillity effects, which would affect people’s enjoyment of the natural environment and recreational facilities. Paragraph 5.214 confirms the requirement for landscape and visual impacts to be assessed as part of EIA. Paragraph 5.214 also confirms that the Landscape and Visual Impact Assessment (LVIA) should reference any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the preferred scheme. Paragraphs 5.215 and 5.216 suggest the requirement for significant landscape and visual effects during both the construction and the operation of the scheme to be assessed. Paragraph 5.217 notes that adverse landscape and visual mitigation measures may be minimised through appropriate design and landscape schemes. Paragraph 5.222 emphasises the duty to have regard to the purposes of nationally designated areas when considering projects outside the boundaries of nationally designated areas which may have impacts within them. Paragraphs 5.223 to 5.224 highlight the need to consider landscapes and townscapes that are highly valued locally and may be protected by local designation, noting also, that where a local development document in England has policies based on landscape character assessment, these should be given consideration.
- 8.9.2 Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; and recognising the intrinsic character and beauty of the countryside.
- 8.9.3 LLP Policy LLP6 specifically provides for development within and adjoining the airport. The policy sets out several design criteria for development in this area, some of which are related to contributors to landscape value (e.g., “*biodiversity should be enhanced and improved*”, “*proposals should fully assess the impacts upon heritage assets and their setting*” etc.). Part F of the policy sets out development criteria for the wider airport strategic allocation including: “*appropriate strategic landscaping to be provided both on and off site, which shall have regard to the potential for significant visual prominence within the wider area of built development at New Century Park and which does not*

increase risk to aviation operations;” and “the height and design of buildings will reflect the site’s rural fringe setting, its high visibility from surrounding countryside and its proximity to London Luton Airport”.

- 8.9.4 LLP Policy LLP29 affords protection to national landscape areas, for example Chilterns Area of Outstanding Natural Beauty (AONB), Registered Parks and Gardens and local landscape areas. The latter comprise Areas of Great Landscape Value (AGLV) and Areas of Local Landscape Value (ALLV). This policy also provides for the protection or enhancement of the Public Rights of Way (PRoW) network and access to the countryside.
- 8.9.5 NHDCLP Policy SP12 sets out objectives to protect and enhance the natural environment including landscape character and locally sensitive features notably the Chilterns AONB. Policy NE1 (Landscape) essentially states that development should respect landscape features and the landscape character of immediate surroundings and wider area. Policy NE3 (The Chilterns AONB) sets out several criteria for development within or affecting the setting of the Chilterns AONB. The NHDCLP also contains several policies which relate to contributors to landscape value (e.g., Policy NE4 which affords protection to biodiversity sites).
- 8.9.6 CBCLP Policy EE5 (Landscape Character and Value) emphasises that development must consider the key characteristics, sensitivities and setting of the site and should respect, retain, and enhance the character and distinctiveness of the local landscape. Policy EE12 (PRoW) explains that developments should protect, enhance, and promote the PRoW network within Central Bedfordshire. There are also several policies which relate to contributors to landscape value for instance Policy EE2 (Enhancing Biodiversity), Policy EE4 which affords protection to trees, woodlands and hedgerows and Policy HE2 which affords protection to Historic Parks and Gardens or their settings.
- 8.9.7 DBCCS Policy CS25 explains that proposals will be assessed for their impact on landscape features to ensure that they conserve or improve the prevailing landscape quality, character, and condition.

Assessment

- 8.9.8 **Chapter 14** of the **ES [TR020001/APP/5.01]** presents the landscape and visual assessment, considering likely effects of the Proposed Development on the elements that make up the landscape, the specific aesthetic or perceptual qualities of the landscape, character of the landscape and changes in views or visual amenity.
- 8.9.9 The airport is located to the south east of Luton on an elevated plateau. The surrounding landscape is recognised for its local landscape value, has an extensive network of PRoW and has several features valued for their amenity, heritage or ecological value. The Chilterns Area of Outstanding Natural Beauty (AONB) is located approximately 3km north and 5km west of the airport. The existing airport is a prominent feature in views from much of the surrounding area and is also visible from long distance views from the Chilterns AONB. Further context of the existing airport in views from the surrounding area can be

gained from panoramic photographs included in **Appendix 14.6** of the **ES [TR020001/APP/5.02]**. These have been taken from representative viewpoints in the surrounding area, agreed with the landscape officers of the local authorities.

- 8.9.10 The Landscape and Visual Impact Assessment (LVIA) has assessed the Proposed Development, as described in **Chapter 4** of the **ES [TR020001/APP/5.01]**. Landscape and visual assessments are separate, although linked, procedures. The landscape baseline, its analysis and the assessment of landscape effects all contribute to the baseline for visual assessment studies.
- 8.9.11 The Proposed Development would impact on the existing landscape character and on peoples' visual amenity during both construction and operation.
- 8.9.12 The removal of elements of the existing landscape and proposed alterations to landform are likely to result in significant adverse effects on several landscape receptors during construction, impacting elements that make up the existing landscape and defined character areas. It is assessed that there would be a residual significant adverse effect on the landform east of the airport, on the townscape of Hitchin (largely due to the potential to impact on trees as a result of highway interventions) and on several landscape character areas (Luton Borough Landscape Character Area 13 – Wigmore Rural and Hertfordshire Landscape Character Area 200 – Peters Green Plateau). The increase in aircraft movements is also assessed to result in a significant adverse effect on the aesthetic and perceptual characteristics of the landscape within the Chilterns AONB (expanded on below).
- 8.9.13 However, the mitigation measures to be delivered by the Proposed Development would result in a significant beneficial effect on the network of PRoW east of Luton.
- 8.9.14 The assessment in **Chapter 14** of the **ES [TR020001/APP/5.01]** concludes that the Proposed Development would result in people experiencing a significant adverse effect to their visual amenity during construction when visiting Wigmore Valley Park, Wigmore Hall, Raynham Way Recreation Ground and Community Centre, the car park east of Vauxhall Way, the area of greenspace next to Polzeath Close, South Wigmore, Darleyhall, Breachwood Green, The Heath and Lye Hill, Tea Green, using the Chiltern Way Cycle Route, the Lea Valley Cycle Route near Park Street, and when moving along Darley Road, Eaton Green Road, Winch Hill Road, Kimpton Road and Airport Way, New Airport Way, Half Moon Lane and several nearby Public Rights of Way, including to the east of the airport, to the west of Junction 10 of the M1 and users of the Chiltern Way long distance footpath.
- 8.9.15 Furthermore, the assessment concludes that people would continue to experience significant adverse effects at the year of maximum passenger capacity in 2043, when using Wigmore Valley Park, Wigmore Hall, Raynham Way Recreation Ground and Community Centre, the car park east of Vauxhall Way, people at Breachwood Green, The Heath and Lye Hill, Darleyhall, using the Chiltern Way Cycle Route, the Lea Valley Cycle Route near Park Street,

and when moving along Darley Road and several nearby PRow, including to the east of the airport and users of the Chiltern Way long distance footpath.

- 8.9.16 Once the landscape mitigation delivered as part of the Proposed Development has matured, the effects experienced by the users of Wigmore Hall Conference Centre, the car park east of Vauxhall Way and users of PRow to the south east of Wigmore Valley Park and to the east of the existing would be reduced to not significant. All other significant adverse effects on visual amenity would remain.
- 8.9.17 The design of the Proposed Development has evolved to avoid impacting on Ancient Woodland at Winch Hill Wood, to retain mature woodland/hedgerow vegetation and coniferous plantation woodland along the ridgeline of Winch Hill, to retain an area of mature woodland to the north of Dairyborn Escarpment, and to retain (in part) hedgerow vegetation on the retained northern part of Wigmore Valley Park. Existing vegetation impacted by the Proposed Development would also only be removed when necessary to facilitate works in a specific construction assessment phase.
- 8.9.18 The design of the Proposed Development has evolved also to avoid excavation on the ridgeline of Winch Hill or in land occupied by a site of Iron Age and Roman settlement-related activity, located within the field immediately to the south east of Wigmore Valley Park.
- 8.9.19 The design additionally retains the existing entrance and eastern part of Wigmore Valley Park and integrates it into the proposed enhancement work (Work No. 5b(01)), to be provided in the retained northern part of the existing park.
- 8.9.20 Details of the Replacement Open Space to be provided at Wigmore Valley Park can be found in **Appendix C**. An associated assessment of policy compliance is given in **Section 13.9 of ES Chapter 13 [TR020001/APP/5.01]**.
- 8.9.21 The full list detailing mitigation measures embedded in the Proposed Development can be found in **Section 14.8 of ES Chapter 14 [TR020001/APP/5.01]**.
- 8.9.22 Photomontages of the Proposed Development from representative viewpoints in the surrounding area are provided in **Appendix 14.7 of the ES [TR020001/APP/5.02]**.
- 8.9.23 It is recognised that in June 2021, Natural England announced that the Chilterns AONB is to be considered for boundary expansion. **ES Chapter 14 [TR020001/APP/5.01]** assesses the impacts of the Proposed Development were such an expansion to be confirmed. At present, no weight can be accorded to any boundary expansion as this is an announcement for its consideration.
- 8.9.24 The Chilterns AONB Sensitivity Test (**Appendix 14.8 of the ES [TR020001/APP/5.02]**) contains the full assessment with regard to the impact of the Proposed Development on the Chilterns AONB.
- 8.9.25 Landscape mitigation measures are proposed to be monitored annually throughout the construction period, at the year of maximum passenger capacity

and at a rate to be agreed with the local planning authority thereafter until the design year.

- 8.9.26 The purpose of landscape monitoring is:
- a. to provide assurance to the planning authority that required mitigation measures are delivered;
 - b. to inform the local planning authority about the effectiveness of proposed mitigation measures with regards to mitigating significant effects;
 - c. to provide an early warning to the local planning authority about any unexpected impacts of development because of changes to construction and/or mitigation procedures; and
 - d. to provide an evidence base for discussions with the local planning authority or public concerning future delivery and/or management practices.
- 8.9.27 Landscape monitoring would include both quantitative information (to evidence what mitigation has been delivered and how those measures are succeeding in the environment) and qualitative judgements (to help inform about how effective measures are in mitigating identified significant landscape and visual effects).

Planning Policy Compliance

- 8.9.28 As detailed above, the Proposed Development is expected to have a range of both adverse and beneficial landscape and visual impacts. However, the Proposed Development has been designed carefully, aiming to avoid or minimise harm to the landscape and providing reasonable mitigation where possible and appropriate in accordance with ANPS paragraphs 5.214-5.224, NPPF paragraph 174, LLP policy LLP6, CBCLP policy EE5 and DBCCS policy CS25.
- 8.9.29 As part of the Proposed Development there will be betterment of the network of PRoW east of Luton in accordance with LLP policy LLP29 and CBCLP policy EE12.
- 8.9.30 With regard to The Chilterns AONB, Officers from The Chilterns Conservation Board (CCB) were consulted on the Proposed Development (see **Section 14.4 of ES Chapter 14 [TR020001/APP/5.01]** and **Consultation Report [TR020001/APP/6.01]** and **[TR020001/APP/6.02]**) and a full assessment of the impacts on the AONB have been considered in the Sensitivity Test (**Appendix 14.8 of the ES [TR020001/APP/5.02]**). This is in line with NHDCLP policies SP12, NE1 and NE3 and LLP policy LL29.
- 8.9.31 Given the above, it is evident that whilst there will be an adverse impact on the surrounding landscape (including the Chilterns AONB) and visual impact caused by the Proposed Development, in most instances this will not amount to unacceptable levels of harm.
- 8.9.32 The Proposed Development is therefore in accordance with the relevant landscape and visual impact planning policies taken as a whole, noting that there are some adverse and beneficial effects. With mitigation measures

incorporated into the design where possible, this matter should be accorded only limited negative weight in the planning balance.

8.10 Green Belt

Policy Context

- 8.10.1 NPPF paragraphs 137-151 sets out the Government's Green Belt policy which attaches great importance to Green Belts and sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8.10.2 Paragraph 138 states that the Green Belt serves five purposes:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 8.10.3 Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 8.10.4 Paragraph 148 sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposed development, is clearly outweighed by other considerations.
- 8.10.5 Paragraph 150 sets out that engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 8.10.6 Paragraphs 5.106 to 5.127 set out the ANPS approach to airport development in the Green Belt and echoes the NPPF's presumption against inappropriate development and the need for applicants to demonstrate very special circumstances in which the benefits of the proposal clearly outweigh harm to the Green Belt.
- 8.10.7 Policy LLP4 of the LLP, Policy SP5 of the NHDCLP and Policy SP4 of the CBCLP are all consistent with the NPPF and ANPS in stating that inappropriate development within the Green Belt will only be permitted where very special circumstances have been demonstrated.

Assessment

- 8.10.8 A Green Belt Assessment is provided at **Appendix B** which considers each element of the Proposed Development which is to be located within the Green Belt and whether it constitutes inappropriate development in the Green Belt.
- 8.10.9 There are some elements of the Proposed Development which are not inappropriate in the Green Belt as they are engineering operations (e.g., fuel pipeline and infiltration basin) or local transport infrastructure (e.g., A1081 New Airport Way / B653 / Gipsy Lane junction improvements) which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 8.10.10 There are two elements of the Proposed Development that constitute inappropriate development in the Green Belt as follows:
- a. a Surface Movement Radar (SMR) and associated fencing to the south of the airport; and
 - b. an Above Ground Installation (AGI) to the east of the airport at the connection point of the proposed fuel pipeline with the existing FINA pipeline which conveys various types of hydrocarbon-based fuels from Immingham to Buncefield.
- 8.10.11 The proposed SMR is required to supplement the existing SMR and to ensure the provision of adequate radar coverage for the Proposed Development which is essential for airport safety. In accordance with International Civil Aviation Organization (ICAO) regulations, the runway and surrounding area (known as the runway strip) must be kept clear of obstacles to reduce the risk to aircraft in the event of a 'runway excursion' whereby the aircraft skids off the runway. Regulations also restrict how tall structures can be depending on their proximity to the runway, meaning that the potential sites on the airfield for the SMR are very limited.
- 8.10.12 The radar requires an unobstructed 'sightline' which is not cluttered with buildings or structures in order to function. Various locations were considered for the SMR, and the proposed location is the only feasible option as it provides the highest coverage of the Proposed Development, with very limited areas which would be obstructed. Its precise location was selected to minimise the impact on the openness of the Green Belt, being placed as close as possible to the Green Belt boundary, whilst maintaining operational requirements.
- 8.10.13 The proposed SMR and associated fencing would be seen in the context of, and as part of, the existing airport. Furthermore, the SMR support tower and fencing would be open structures (as opposed to buildings which present solid massing). The proposed SMR would also generate a very low degree of activity with only ad hoc maintenance visits. Accordingly, it is considered that the harm to the visual openness of the Green Belt, and its essential characteristics more generally would be limited.
- 8.10.14 Having regard to the essential requirement for the SMR for airport safety and that there are no other sites available outside the Green Belt that would provide adequate coverage across the airfield, while also complying with the European

Union Aviation Safety Agency regulations, these considerations clearly outweigh the limited harm to the Green Belt and very special circumstances exist.

- 8.10.15 The AGI is proposed at the connection point between a new fuel pipeline (Work No. 4c (02)) which is proposed to connect the new fuel storage facility with the existing national fuel delivery pipeline.
- 8.10.16 The new fuel pipeline is proposed because the existing airport requires 1,365m³ of fuel a day, equating to approximately 76 daily road tanker movements to the storage facilities. To meet the proposed 32 mppa capacity, an additional 67 daily road tanker movements would be required. The proposed new fuel storage facility and connection to the existing national pipeline would significantly reduce delivery by road vehicles, along with the associated negative environmental impacts, relating to greenhouse gas emissions, air quality, noise, and traffic congestion.
- 8.10.17 As the existing national fuel delivery pipeline runs through the Green Belt, the proposed AGI at the point of connection into it, by necessity, is required to be located within the Green Belt. Various location options for the AGI were considered along the route of the existing national fuel delivery pipeline. The proposed location was selected due to its proximity to the airport (thus minimising the length of new pipeline) and its relatively discreet location within the corner of a field, screened by existing woodland blocks to the south and east and with limited visibility from the local highway and footpaths.
- 8.10.18 The AGI and associated fencing would be open structures (as opposed to buildings which present solid massing). The AGI would also generate a very low degree of activity with only ad hoc maintenance visits. Accordingly, it is considered that the harm to the visual openness of the Green Belt, and its essential characteristics more generally would be limited.
- 8.10.19 The significant reduction in environmental impacts, relating to greenhouse gas emissions, air quality, noise, and traffic congestion associated with reducing road vehicle movements which would be secured by connecting into the existing national fuel delivery pipeline, clearly outweighs this limited harm to the Green Belt and very special circumstances exist.

Planning Policy Compliance

- 8.10.20 As detailed above, there are some elements of the Proposed Development located within the Green Belt which are not inappropriate in the Green Belt and these are compliant with NPPF paragraph 150, the ANPS and Policy SP5 of the NHDC Local Plan and Policy SP4 of the Central Bedfordshire Local Plan.
- 8.10.21 For the two elements of the Proposed Development located within the Green Belt which constitute inappropriate development, very special circumstances have been demonstrated in accordance with NPPF paragraph 148, the ANPS, Policy LLP4 of the LLP and Policy SP5 of the NHDCLP.

8.11 Agricultural Land

Policy Context

- 8.11.1 Paragraphs 5.108, 5.115 and 5.126 of the ANPS set out policy regarding development on the Best and Most Versatile agricultural land (BMV). Paragraph 5.108 sets out that BMV is land which is most flexible, productive, and efficient in response to inputs, and which can best deliver future crops for food and non-food uses. Paragraph 5.115 states: *“The applicant should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, the applicant should seek to use areas of poorer quality land in preference to that of a higher quality.”* Paragraph 5.126 notes that the SoS will take into account the economic and other benefits of BMV.
- 8.11.2 Paragraphs 5.109, 5.118, 5.122 and 5.126 of the ANPS sets out policy on soil resources. Paragraph 5.109 sets out that the development of land will *“affect soil resources, including physical loss of and damage to soil resources, through land contamination and structural damage. Indirect impacts may also arise from changes in the local water regime, organic matter content, soil biodiversity and soil process.”* Paragraphs 5.118 refers to examples of mitigation measures to minimise impacts on soils and land use. Paragraph 5.126 sets out that the SoS will ensure the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.
- 8.11.3 The provisions of the NNNPS relevant to environmental assessment broadly mirror those as outlined in the ANPS.
- 8.11.4 The NPPF sets out national planning policy on development involving agricultural land. Paragraph 84 sets out that planning policy and decisions should enable *“the development and diversification of agricultural and other land-based rural businesses”*. Paragraph 174 sets out that planning policy and decisions should contribute and enhance the natural and local environment by *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.”*
- 8.11.5 There are no development plan policies expressly relating to the protection of BMV land and it is noted that paragraph 6.14 of the North Hertfordshire Local Plan 2011-2031 states that *“the significant majority of land in North Hertfordshire remains rural and in productive agricultural use”*.
- 8.11.6 Aims and objectives for safeguarding and, where possible, improving soil health are set out in the Government’s Safeguarding our soils: A strategy for England (Ref 8.3). The Soil Strategy for England sets out an ambitious vision to protect and improve soil to meet an increased global demand for food and to help combat the adverse effects of climate change.

Assessment

- 8.11.7 **Chapter 6** of the **ES [TR020001/APP/5.01]** provides an assessment of the impact of the Proposed Development on agricultural land quality and soil resources.
- 8.11.8 Most of the land within the Main Application Site (as defined in **Chapter 2** of the **ES [TR020001/APP/5.01]** and shown in **Figure 2.2** of the **ES [TR020001/APP/5.03]**) is previously developed land within the existing boundary of London Luton Airport or non-agricultural land promoted for development at Green Horizons Park (refer to **Chapter 2** of the **ES [TR020001/APP/5.01]** for further information on other developments on site). The Order Limits do however include approximately 120ha of agricultural land in total.
- 8.11.9 From the results of the detailed Agricultural Land Classification (ALC) surveys provided in **Appendices 6.1** and **6.2** of the **ES [TR020001/APP/5.02]**, it has been determined that the quality of agricultural land directly impacted by the Proposed Development is classified as a mixture of Subgrade 3a or Subgrade 3b due mainly to soil wetness, i.e., where the soil water regime adversely affects plant growth or imposes restrictions on cultivations or grazing by livestock.
- 8.11.10 Subgrade 3a falls in the best and most versatile (BMV) category, i.e., ALC Grade 1, Grade 2, and Subgrade 3a, as defined by paragraph 174 and Annex 2 of the NPPF.
- 8.11.11 As shown on **Figures 14.11 to 14.13** of the **ES [TR020001/APP/5.03]**, approximately 42.4ha of agricultural land within the Main Application Site will be retained in arable production in assessment Phase 1. It is proposed the arable land would be managed under a new tenancy agreement. All land is taken out of arable production in assessment Phase 2a as it is required for the Proposed Development.
- 8.11.12 In total, the Proposed Development would result in the loss of 57.6ha of Subgrade 3a (BMV) agricultural land and 62.4ha of Subgrade 3b (non-BMV) agricultural land within the Main Development Site.
- 8.11.13 Approximately 54.2ha of agricultural land is proposed to be converted from intensive arable production to less-intensive neutral grassland/neutral meadow grassland, of which approximately 28.5ha is in Subgrade 3a. The soil profiles to be converted from arable production to neutral grassland/neutral meadow grassland will remain intact and their physical properties will be unchanged i.e., the grassland could be returned to its former intensive agricultural productivity by future generations, if required.
- 8.11.14 In addition, approximately 6.1ha of agricultural land located to the west of junction 10 of the M1 and immediately to the north of Half Moon Lane will be impacted by works as part of Work No. 6r, as defined in **Chapter 4** of the **ES [TR020001/APP/5.01]**. The quality of this agricultural land has not been ascertained by survey but is recorded as being Subgrade 3 in the Provisional Agricultural Classification Grades published by Natural England (NE). It is

assumed for the purposes of the ES assessment that the entirety of this area is classified as Subgrade 3a, and accordingly falls in the BMV category.

- 8.11.15 NE is the statutory consultee with regard to agricultural land quality, namely in connection with development proposals which involve more than 20ha of BMV. No concerns were expressed by NE on the assessment presented in either of the PEIRs that were prepared for statutory consultations.
- 8.11.16 In terms of soil resources, the Proposed Development would retain topsoil and subsoil from land that has been formerly used for agriculture for landscape purposes although there would be a surplus, resulting in a residual loss to soil resources. Soils from within the area of landfill would not be available for re-use within the proposed landscape scheme due to their potential for contamination.
- 8.11.17 The quality and quantity of soil within the Main Application Site impacted by the Proposed Development will be maintained by implementing appropriate techniques for stripping, storing and re-use. These measures are consistent with good practice set out in Defra's 'Code of Practice for the Sustainable Management and Use of Soil on Construction Sites. This approach has been adopted in the **Outline Soil Management Plan (SMP)** provided as **Appendix 6.6** of the **ES [TR020001/APP/5.02]**, which would be secured and developed as a Requirement of the DCO.

Planning Policy Compliance

- 8.11.18 The ANPS does not quantify what constitutes "significant development of agricultural land" but all of the 120ha of agricultural land (approximately 25% of the Main Application Site) is to be lost to the scheme as it is required to facilitate the Proposed Development.
- 8.11.19 The Proposed Development would result in the loss of BMV land, although it is noted it is Subgrade 3a, rather than the higher subgrades 1 or 2. This was a consideration during the Sift process (see **Appendix B** of the **DAS [TR020001/APP/7.03]**), where the use of Grade 3b land was favoured over Grade 3a land. This demonstrates compliance with paragraph 5.115 of the ANPS.
- 8.11.20 In the context of North Hertfordshire and the significant majority of land being in productive agricultural use, this is considered a relatively small loss.
- 8.11.21 As demonstrated previously, the economic benefits of the Proposed Development are significant and therefore can be in line with paragraph 5.115 of the ANPS which states "*the applicant should take into account the economic and other benefits of best and most versatile agricultural land.*"
- 8.11.22 Noting there will be a loss, the Proposed Development will be implemented in accordance with a Soil Management Plan (SMP) which is based on the Outline SMP which follows current best practice for stripping, storing, and re-using soil resources (topsoil and subsoil) and is provided as **Appendix 6.6** of the **ES [TR020001/APP/5.02]**. The SMP will ensure that impacts on soils or soil resources are minimised in accordance with paragraph 5.118 of the ANPS.

- 8.11.23 The careful design of the Proposed Development and mitigation measures seek to reduce any agricultural land impacts and align with planning policy, where possible. The loss of economic and other benefits resulting from the removal of BMV from agricultural production, together with the residual loss to soil resources, however, can be attributed limited negative weight in the planning balance.

8.12 Health and Community

Policy Context

- 8.12.1 Aviation Policy Framework (APF) paragraph 3.3 suggests proposals should aim to achieve a “*fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights*”.

- 8.12.2 With regards to health, paragraph 4.70-4.73 of the ANPS states:

“The construction and use of airports infrastructure has the potential to affect people’s health, wellbeing, and quality of life through direct and indirect health impacts, both negative and positive. New or enhanced airports infrastructure may also have indirect health impacts, for example if they affect access to key public services, local transport, opportunities for cycling and walking, or the use of open space for recreation and physical activity. It should also be noted, however, that the increased employment stemming from airport expansion may have indirect positive health impacts. Likely significant health impacts need to be assessed. Measures to avoid, reduce or compensate for adverse health impacts need to be identified”.

- 8.12.3 On open space, paragraph 5.106 of the ANPS states “*Access to high quality open spaces and the countryside and opportunities for sport and recreation can be a means of providing necessary mitigation and/or compensation requirements...*”. Paragraph 5.112 adds “*Existing open space, sports and recreational buildings and land should not be developed unless the land is no longer needed or the loss would be replaced by equivalent or better provision...Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality, and accessibility...*”. Finally, paragraphs 5.123-5.124 highlight:

“The applicant is expected to take appropriate mitigation measures to address adverse effects on National Trails, other public rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve access.

The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields, unless...the Secretary of State determines that the benefits of the project outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved, or compensatory land or facilities.”

- 8.12.4 Paragraph 7 of the NPPF sets out the government's objective of achieving sustainable development. The three overarching objectives of sustainable development include the economic, social, and environmental objectives. These are interdependent and mutually supportive. The social objective seeks *"to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being"*.
- 8.12.5 Chapter 8 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive, and safe places (paragraph 92). Paragraph 98 emphasises that *"...access to a network of high-quality open spaces...is important for the health and well-being of communities..."* Paragraph 99 indicates that existing open space should not be built on unless *"...the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location."* Paragraph 100 emphasises that public rights of way should be protected and enhanced.
- 8.12.6 Paragraph 130 seeks to ensure that developments create places which *"...promote health and well-being, with a high standard of amenity for existing and future users"*.
- 8.12.7 Paragraph 185 seeks to ensure that development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so, the policy states that development should: *"a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."*
- 8.12.8 CBCLP Policy HQ1 seeks to promote high quality development including ensuring development does not have an unacceptable adverse impact upon nearby existing or permitted uses, including impacts on amenity, privacy, noise, or air quality.
- 8.12.9 LLP Policy LLP25 notes that provision should improve access to open spaces and promote sport and physical activity and healthy communities. Policy LLP27 seeks to safeguard and enhance existing networks of open space. Clause B refers to the loss of open space and notes that *"exceptionally, losses will be permitted where: i) replacement open space provision can be made that is of an equivalent type, quality, and quantity or better and is accessible and within the vicinity; or ii) the proposal is for alternative or ancillary sports and recreational provision, the need for which clearly outweighs the loss."* Clause C of the policy refers to development on open space and indicates that *"development will only be permitted where development is ancillary, complementary, and limited in scale securing the efficient and effective use of the existing green space."*
- 8.12.10 Policy SP10 of the NHDCLP states that the LPA *"will provide and maintain healthy, inclusive communities for our residents. We will a) Support the retention of existing community, cultural, leisure or recreation facilities; and f)*

Protect, enhance and create new physical and green infrastructure to foster healthy lifestyles.”

Assessment

- 8.12.11 **Chapter 13** of the **ES [TR020001/APP/5.01]** provides an assessment of the health and community effects of the Proposed Development.
- 8.12.12 The health and community assessment identifies effects on the health of the ‘population’ and on the lives of people within the local community, arising from direct and indirect impacts on community resources and the environmental, social, and economic impacts of the Proposed Development. It brings together the assessment of effects on people living close to, or affected by, the Proposed Development in a single chapter. The assessment of health effects is provided at a ‘population’, rather than an ‘individual’ level. The health and community effects resulting from these impacts of the Proposed Development are defined as follows:
- a. Health effects have been identified when an environmental, social, or economic factor that influences health and wellbeing (a ‘health determinant’) is impacted, and the number of people exposed to this change is considered sufficient to cause a change in health at population level.
 - b. Impacts on community resources, and the resultant effects on the people (‘receptors’) using those resources, have been identified as community effects.
- 8.12.13 The assessment methodology for health and community effects is applicable to both the construction and operational phases of the Proposed Development. The methodology for the health assessment is akin to that used in a stand-alone health impact assessment (HIA) and is based on HIA guidance provided by national level, further detail is found in **Chapter 13** of the **ES [TR020001/APP/5.01]**. It is based on the wider model of health that recognises that health is influenced by a wide range of factors.
- 8.12.14 Additionally, an **Equality Impact Assessment [TR020001/APP/7.12]** has been prepared. **Table 10.1** of the document sets out the relevant protected characteristic groups, the disproportionate and differential effects that have been identified, the proposed mitigation measures and the assessment of beneficial, neutral, or adverse effects on a protected characteristic group.

Health assessment

- 8.12.15 The health assessment anticipates some public concern and uncertainty during the planning and construction stages about the construction and operational effects of the Proposed Development. Embedded mitigation measures to address this include community engagement measures detailed in the CoCP (provided as **Appendix 4.2** of the **ES [TR020001/APP/5.02]**).
- 8.12.16 In terms of overall employment and income, the construction of the Proposed Development, across all assessment phases, would result in a net health and wellbeing benefit as a result of construction employment opportunities for local

people both in the 'local neighbourhood area' and the 'wider area'. The Applicant has developed an **ETS [TR020001/APP/7.05]** for the construction assessment phase, which includes objectives and initiatives to maximise construction and operation related opportunities and upskilling for local people, including communities in need and those currently unemployed. The strategy includes an initiative to explore targets for apprenticeships and other training and employment opportunities through the procurement of the construction of the Proposed Development. Liaison will be undertaken with existing education bodies in advance of the construction programme to advise on future skills requirements that can tailor to the construction skills forecast. Overall, the increase in direct and indirect construction related employment opportunities is considered to represent a beneficial impact to the population.

- 8.12.17 It is noted that not all jobs will bring health benefits to local people. For example, above average levels of unemployment in Luton mean that, subject to uptake of opportunities such as apprenticeships, these communities would potentially have the most to gain from the employment and training opportunities and associated beneficial effects on health and wellbeing. Luton also has above average levels of young people. The health evidence indicates that young people are particularly vulnerable to the negative health effects resulting from unemployment, so new employment opportunities and a commitment to training and upskilling are likely to disproportionately benefit this group. Those involved in shift work at the airport, particularly night-time workers, may not experience such positive health effects as those employed during standard working hours with the health evidence indicating that shift work may have negative effects on health due to disruptions to circadian rhythms.
- 8.12.18 During the operation of the Proposed Development, changes in air pollutant concentrations resulting from traffic-related, on-airport and aircraft emissions have the potential to affect health. There is a strong body of evidence for associations between exposure to air pollutants and adverse health outcomes, most notably premature mortality and hospital admissions linked to long-term exposure to PM₁₀, PM_{2.5} and NO₂, with no recognised thresholds below which there are no effects. Analysis in Section 13.9 of **ES Chapter 13 [TR020001/APP/5.01]** shows very small increases in mortality resulting from emissions associated with the operation of the Proposed Development. Given that the population includes a wide range of communities with varying levels of social deprivation and health status this is considered to be a minor adverse effect overall.
- 8.12.19 There is a strong link between transport noise and health, with long-term exposure to higher levels of transport noise being associated with a number of adverse health outcomes including annoyance, sleep disturbance, Acute Myocardial Infarction (heart attacks) and hypertension (strokes and dementia). The assessment in Section 13.9 of **ES Chapter 13 [TR020001/APP/5.01]** has identified an increase in adverse health outcomes attributable to the aircraft noise from the operation of the Proposed Development in all assessment phases. Given the local population includes a wide range of communities with varying levels of social deprivation and health status this is considered to be a moderate adverse permanent health effect. However, the provision of additional

compensatory mitigation measures in the form of noise insulation to qualifying properties, where accepted, could help reduce the significant adverse health effect inside properties due to air noise from the Proposed Development. Compensation proposals are described in the **Compensation Policies, Measures and Community First [TR020001/APP/7.10]** document submitted as part of the application for development consent.

Community assessment

- 8.12.20 An adverse impact would result from the loss of Prospect House Day Nursery. The demolition would result in the loss of a purpose-built childcare facility that caters for around 114 children between the ages of three months to four years. The facility is currently rated 'Good' by OFSTED and is open all year round. The nursery caters for children from a diverse range of ethnic backgrounds with staff speaking a variety of languages. The Applicant is continuing to engage with the owners and operators of Prospect House Day Nursery to identify reasonably practicable measures to find a suitable site for relocation and to help mitigate the likely disproportionate effects of the demolition on pre-school aged children. This engagement is focused on finding and agreeing alternative sites which are of a comparable size, quality, and accessibility in order to relocate these facilities. The nursery will not require re-provision to be in place until assessment Phase 2a works commence in the period 2031 - 2033. A number of locations are possible, and the Nursery Provider has agreed to work with the Applicant to find a suitable location nearer the time. The Applicant has included the capital cost for re-provision in its compensation budget and has a site at Eaton Green Road. This commitment will be secured via a section 106 agreement as described in section 5.8 of this Planning Statement.
- 8.12.21 As part of the Proposed Development, an area of Wigmore Valley Park would be lost and open space of a greater area would be provided to the east of the existing green space at Wigmore Valley Park, south of Darley Road (as shown on **Figure 14.11** of the **ES [TR020001/APP/5.03]**). Key facilities built as part of the extant Green Horizons Park planning consent to the north would be retained in this area and would remain fully accessible to the public throughout the construction period. Overall, the impact of the closure and re-provision of Wigmore Valley Park represents a minor beneficial impact for users of the park. The Open Space Assessment in **Appendix C** provides a full discussion of this matter.
- 8.12.22 This Open Space Assessment also considers the legal tests set out in sections 131 and 132 of the Planning Act (2008) which make provision for special parliamentary procedure to apply where a development consent order authorises the compulsory acquisition of land, or rights over land, forming part of open space. The assessment of the replacement open space proposals demonstrate section 132 (3) applies, therefore, the special parliamentary process referenced in section 132 (2) is not engaged. Furthermore, section 131 is not engaged.
- 8.12.23 Key mitigation measures relevant to health and community effects are summarised in Section 13.8 of **Chapter 13** of the **ES [TR020001/APP/5.01]**. These include measures to reduce noise impacts notably to establish a noise

envelope (**GCG Appendix C [TR020001/APP/7.08]**), provision of replacement open space (**Appendix C** of this document), landscape management at Wigmore Valley Park and where practicable, the Proposed Development would be designed to avoid or reduce adverse effects on other road and public transport users through measures that are targeted at encouraging greater use of those modes of travel that have less environmental impact (e.g. extending the Luton DART). Embedded and good practice mitigation measures of particular relevance to the health and community assessment identified in the following topics have also been taken into account for the assessment: **Chapter 7** Air Quality, **Chapter 11** Economics and Employment, **Chapter 14** Landscape and Visual, **Chapter 16** Noise and Vibration, **Chapter 18** Traffic and Transport of the **ES [TR020001/APP/5.01]**, and **Appendix 5.2** Light Obtrusion Assessment, and **Appendix 4.2 CoCP** of the **ES [TR020001/APP/5.02]**.

Planning Policy Compliance

- 8.12.24 In assessing planning policy compliance for health and communities, the topics have been separated as they are separate assessments.

Health

- 8.12.25 In summary, **Chapter 13** of the **ES [TR020001/APP/5.01]** provides an assessment of the health and community including measures to avoid, reduce or compensate for adverse health impacts as appropriate in accordance with ANPS paragraphs 4.72-4.73, NPPF paragraphs 7 and 130, CBCLP policy HQ1 and NHDCLP policy SP10.
- 8.12.26 As detailed above, there are anticipated to be significant positive impacts to the health of the local population who will benefit from the increased employment opportunities resulting from the Proposed Development.
- 8.12.27 However, a suite of mitigation and compensation measures have been put in place to reduce the negative impacts, particularly on the impacts of increased noise, thereby demonstrating compliance with NPPF paragraph 185 and APF paragraph 3.3 which seeks a 'fair balance' between the impacts of the Proposed Development.
- 8.12.28 It has been demonstrated that, with the relevant mitigation and compensation measures in place, the Proposed Development would not result in unacceptable levels of harm to health, in accordance with relevant national and local planning policy. The Proposed Development is expected to have a range of both adverse and beneficial impacts to health which are all weighed in the planning balance in Section 9.
- 8.12.29 On the basis of the above, it has been demonstrated that, with the relevant mitigation and compensation measures in place, the Proposed Development would not result in unacceptable levels of harm to health, in accordance with relevant national and local planning policy. The employment opportunities created, would weigh favourably in the planning balance.

Communities

- 8.12.30 With regards to the community, where there may be uncertainty on the relocation of Prospect House Day Nursery, it must be noted that the nursery will not require re-provision to be in place until assessment Phase 2a works commence in the period 2031 – 2033 and that the commitment to support relocation will be secured via a section 106 agreement.
- 8.12.31 For the provision of replacement open space, **Chapter 13** of the **ES [TR020001/APP/5.01]** includes an assessment which appraises the impact of the Proposed Development on access to open space, leisure, recreation, and physical activity. As part of the Proposed Development, an area of Wigmore Valley Park would be lost, and open space of a greater area would be provided to the east of the existing green space at Wigmore Valley Park. The type, quality, quantity, and accessibility of the replacement open space would be equivalent or better. This is directly aligned with LLP policies LLP25, LLP27 and NPPF paragraph 99. Furthermore, qualitative studies have been undertaken and have informed the proposals for re-provision ensuring that the replacement open space is of equivalent or better provision in terms of size, usefulness, attractiveness, quality, and accessibility, as set out in Section 13.9 of **Chapter 13** of the **ES [TR020001/APP/5.01]**. This is in accordance with paragraphs 5.106 and 5.112 of the ANPS.
- 8.12.32 Additionally, open spaces and recreational routes (including National Trails and other public rights of way) likely to be affected by the Proposed Development have been assessed as part of the health and community assessment in Section 13.9 of **Chapter 13** of the **ES [TR020001/APP/5.01]**. It was found that there would be no adverse effects on open access land as a result of the Proposed Development, thereby demonstrating compliance with paragraphs 5.123 and 5.124 of the ANPS.
- 8.12.33 On the basis of the above, it has been demonstrated that, with the relevant mitigation and compensation measures in place the Proposed Development is expected to have only a limited negative impact on communities which should be accorded limited negative weight, as is discussed further in Section 9.

8.13 Cultural Heritage

Policy Context

- 8.13.1 Paragraphs 5.193 to 5.195 of the ANPS state *“As part of the environmental statement, the applicant should provide a description of the significance of the heritage assets affected by the proposed development, and the contribution of their setting to that significance. The level of detail should be proportionate to the asset’s importance, and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. At a minimum, the relevant Historic Environment Record should be consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, the*

applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage asset affected can be adequately understood from the application and supporting documents.”

- 8.13.2 Paragraph 5.198 states that in decision making, *“the Secretary of State will take into account the particular nature of the significance of the heritage asset and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and any aspect of the proposal.”* Paragraphs 5.205 sets out that where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.13.3 The NPPF provides details regarding the assessment of harm to heritage assets and is supported by the Planning Practice Guidance (PPG) (Ref 8.4). The NPPF sets out the importance of being able to assess the significance of heritage assets that may be affected by a development. Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Similarly, there is a requirement on local planning authorities, having assessed the particular significance of any heritage asset that may be affected by a proposal, to take this into account when considering the impact of a proposal on a heritage asset (paragraph 195). Significance is defined in Annex 2 of the NPPF as being the *‘value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic’*. Significance is not only derived from an asset’s physical presence, but also from its setting. The setting of a heritage asset is defined in Annex 2 as *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve”*.
- 8.13.4 Paragraphs 199 to 203 of the NPPF introduce the concept that heritage assets can be harmed or lost through alteration, destruction or development within their setting. This harm ranges from less than substantial through to substantial. In instances where development would cause substantial harm to or total loss of significance of a designated asset, consent should be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 201). In instances where development would cause less than substantial harm to the significance of a designated asset the harm should be weighed against the public benefits of the proposal to provide a balanced judgement (paragraph 202).
- 8.13.5 Paragraph 018 emphasises that substantial harm is a high test and it is important to consider whether an adverse impact *“seriously affects a key element”* of an asset’s significance. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed (paragraph 018).

- 8.13.6 The PPG states that in relation to setting, a thorough assessment of the impact on setting needs to take in to account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it (paragraph 013).
- 8.13.7 The NPPF indicates that the degree of harm should be considered alongside any public benefits that can be delivered by development. The PPG states that these benefits should flow from the Proposed Development and should be of a nature and scale to be of benefit to the public and not just a private benefit (paragraph 020).
- 8.13.8 Managing Significance in Decision Taking in the Historic Environment: Historic Environment Good Practice Advice Note 2 (GPA2, 2015) (Ref 8.5) contains Historic England's guidance on implementing historic environment policy contained within the NPPF and PPG. With regard to harm, GPA2 clarifies that change to heritage assets is inevitable, but that the change is only harmful when significance is damaged and that *"the nature and importance of the significance that is affected will dictate the proportionate response to assessing that change"* (paragraph 29). The document reiterates that substantial harm is a high test (paragraph 27).
- 8.13.9 LLP Policy LLP30 states that development proposals must take account of the character, setting and local distinctiveness of affected heritage assets of particular importance within the borough including registered parks and gardens such as Luton Hoo. Proposals affecting designated and non-designated heritage assets are required to set out the significance of heritage assets, the impact of the proposed development on heritage assets and mitigation strategies, addressing the setting of the asset.
- 8.13.10 The CBCLP comprises policies of relevance to this chapter, including Policy HE1 Archaeology and Scheduled Monuments, HE2 Historic Parks and Gardens and HE3 Built Heritage. The policies outline the requirement for development proposals to describe the significance of heritage assets including consideration of any contribution made by their setting and will assess the level of impact that the development proposals will have on those assets. The policies also outline the Council's requirement for a programme of archaeological investigation where preservation in-situ cannot be achieved.
- 8.13.11 NHDCLP Policy HE4 states that developers must submit an appropriate desk-based assessment and, where justified, an archaeological field evaluation. They must demonstrate how archaeological remains will be preserved if in-situ preservation of important archaeological remains is considered preferable. Where the loss of the whole or material part of important archaeological remains is justified, appropriate conditions are applied to ensure that the archaeological recording, reporting, publication and archiving of the results of such archaeological work is undertaken.

Assessment

- 8.13.12 The Proposed Development is located within an area which has cultural heritage assets of varying type, significance and value. The impact of the

Proposed Development upon these heritage assets has been a key consideration in the development of the Proposed Development's design. The Applicant has been, and continues to be, committed to understanding the significance and value of the heritage assets present within the Order Limits and affected by the Proposed Development and has proposed avoidance and mitigation strategies wherever possible.

- 8.13.13 A detailed Heritage Statement is provided in **Appendix D** of this Planning Statement. This section provides a summary of those findings.
- 8.13.14 For the majority of assets, the effects presented in **Chapter 10** of the **ES [TR020001/APP/5.01]** has been assessed as being not significant (negligible to minor adverse effects). As such, it is concluded that the harm caused to these assets falls within the less than substantial category and at the lower level of the spectrum and, in accordance with planning guidance and Historic England advice, a proportionate approach has been taken and these assets are not discussed further.
- 8.13.15 Heritage assets which have been identified as experiencing an adverse effect in **Chapter 10** of the **ES [TR020001/APP/5.01]** comprise:
- a. Wandon End House and Wandon End Farmhouse, Grade II Listed Buildings. Construction activities would introduce change within their rural settings which would affect the ability to appreciate their rural context and their relationship with the surrounding countryside, which forms the assets' functional setting. However, this impact is during construction and therefore temporary only and would result in no harm to the heritage significance of the assets.
 - b. Luton Hoo Grade II* Registered Park and Garden (RPG) (NHLE 1000578). A moderate adverse effect has been predicted in **Chapter 10** of the **ES [TR020001/APP/5.01]** due to an increase in aviation noise levels during the operation of the Proposed Development. It was assessed that this would detract further from the park's rural character and would represent a slight change to the setting of the park. This impact would occur during the operation of the Proposed Development and is therefore assessed as a permanent change.
- 8.13.16 The physical layout of the RPG would not be impacted by the Proposed Development. Its designed planting, views and the relationship of its component parts would not be affected and would not therefore harm the significance of the park.
- 8.13.17 The setting of the park would experience change as a result of an increase in aviation noise. Aviation noise is already a contributing factor of the park's noise environment and therefore the presence of the aviation noise would not be incongruous to its current experience. However, the predicted level of change in aviation noise derives from the increased frequency of flights and therefore the frequency at which the enjoyment of the park's aesthetics would be interrupted. This would further erode the enjoyment of the park's aesthetics, which contributes to its architectural and artistic interests, however the character of the park as a whole and the ability to understand and appreciate its design

evolution would not be affected. It is assessed that the increase in aviation noise would result in harm to the significance of the asset, due to the impact on its architectural and artistic interest, but the change does not constitute substantial harm to the significance of the asset. It is assessed therefore that the Proposed Development would result in less than substantial harm to the significance of this asset.

- 8.13.18 Within the RPG there are a number of designated assets and structures, including Luton Hoo Conservation Area and Grade I listed Luton Hoo house (NHLE 1321301). While the setting of these assets, namely the park, will experience change as a result of the operational assessment phase of the Proposed Development, there will be no harm to the significance of the assets themselves.
- 8.13.19 The Proposed Development will utilise this previously disturbed area for multi-storey, block, and surface parking car parking, offices and hotel facilities, expansion of Terminal 2, and for extensions to the existing airfield. Utilising previously disturbed areas avoids the risk of physically impacting buried archaeological remains.
- 8.13.20 Archaeological evaluation which has been carried out to inform the impact assessment identified the remains of an Iron Age/ Roman enclosure (HER 10808) within the Proposed Development site. The remains are assessed to be of regional importance and of medium heritage value. The Proposed Development has avoided impacting the asset by incorporating the archaeological remains into embedded landscape design that will be established during assessment Phase 1, preserving them in an area designated for meadow grassland and scrub.
- 8.13.21 The Proposed Development design seeks to enhance the historic landscape by including provision for the planting of hedgerows and hedgerow trees that are in-keeping with the historic landscape character of the area.

Planning Policy Compliance

- 8.13.22 The Proposed Development has evolved to take into consideration the heritage assets within the Order Limits and to minimise any impacts on the historic environment. A number of mitigation measures have been incorporated into the design of the Proposed Development.
- 8.13.23 During the preparation of the design proposals, a number of different options were assessed. These included alternative locations of the proposed buildings, car parks and other hard standing areas as well as variations in height of the new buildings. Areas that have been subject to previous disturbance, such as the landfill site and previously landscaped areas within the existing airport have been identified.
- 8.13.24 It has been assessed that the Proposed Development will lead to less than substantial harm to the significance of a designated heritage asset as described above. As a result, the Proposed Development is consistent with paragraph 5.205 of the ANPS which states “*where the proposed development will lead to*

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”

- 8.13.25 Details on this assessment can be found in detail in **Appendix D**, Heritage Statement, of this Planning Statement. The weighing of the less than substantial harm against the public benefits is discussed in the planning balance in Section 9. This is in line with the paragraphs 201 and 202 of the NPPF as well as LLP policy LLP30, CBCLP policies HE1, HE2 and HE3 and NDCLP policy HE4. Therefore, the Proposed Development is in accordance with national and local policy with regard to cultural heritage. Nonetheless, due to there being less than substantial harm, it is afforded a limited negative weight in the planning balance.

8.14 Waste and Resource Management

Policy Context

- 8.14.1 Paragraph 5.137 of the ANPS states that the targets for preparation for reuse and recycling of municipal waste (50%), and for construction and demolition waste (70%) set out by the Waste Framework Directive should be considered “*minimum acceptable practice*” for the construction and operation of any new airport infrastructure. Exceeding these targets, if possible, by aiming for exemplar performance in resource efficiency and waste management is recommended, to align with the principles of the EU Action Plan for the Circular Economy.
- 8.14.2 In referring to the targets, the wording of the ANPS only covers ‘re-use and recycling’ and does not explicitly include the term “recovery”. This is assumed to be a drafting error given that it refers directly to the Waste Framework Directive which does include ‘recovery’ in setting targets.
- 8.14.3 Paragraph 5.141 of the ANPS sets out the approach to the management of waste. It states the applicant:
- “...should set out the arrangements that are proposed for managing any waste produced in the application for development consent. The arrangements described should include information on the proposed waste recovery and disposal system for all waste generated by the development”. It adds “the applicant should seek to minimise the volume of waste sent for disposal unless it can be demonstrated that the alternative is the best overall environmental, social and economic outcome when considered over the whole lifetime of the project”.*
- 8.14.4 Paragraph 5.143 of the ANPS is concerned with mitigation measures, it states “*the applicant should set out a comprehensive suite of mitigations to eliminate or significantly reduce the risk of adverse impacts associated with resource and waste management*”.
- 8.14.5 The NPPF does not contain specific waste policies as these are detailed within the revised Waste Management Plan for England (2021) and the National Planning Policy for Waste, however the following overarching policies are relevant to waste and resources:

- a. The environmental objective set out at paragraph 8 of the NPPF is *“to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*
- b. The environmental objective set out in paragraph 210 of the NPPF is to *“so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously.”*

- 8.14.6 The HCC Waste Development Framework Waste Core Strategy and Development Management Policies Development Plan Document Policy 2 outlines how HCC will work with business and residents to reduce waste in line with the Waste FD. Policy 12 sets out requirements for sustainable construction and demolition practices, which include increased recycling and reductions in the use of primary materials.
- 8.14.7 LLP Policy LLP37 encourages *“an overall reduction in the amount of waste generated, treated and disposed of to reduce the need for land for waste management. Proposals that are likely to generate significant volumes of waste through development or operational phases will be required to include a waste audit as part of the application”*.
- 8.14.8 CBCLP section 17.1.8 states *“All new developments should optimise the potential for sustainable design...The sorting and segregating of waste materials by occupiers is essential to the success of recycling and reuse schemes, and new developments should provide adequate and convenient storage space for the appropriate in-house storage of recyclables.”*
- 8.14.9 The NHDCLP includes policies on sustainable design. Policy D1 Sustainable Design states that *“planning permission will be granted where development proposals... take all reasonable opportunities, consistent with the nature and scale of the scheme, to, iii. reduce energy consumption and waste...”*. It encourages the efficient use of local or sustainably sourced new materials together with the reuse and recycling of materials to reduce the waste created in developments.

Assessment

- 8.14.10 **Chapter 19** of the **ES**, Waste and Resource Management **[TR020001/APP/5.01]** provides an assessment of the availability of resources, specifically key construction materials during the construction and operational assessment phases; and landfill void capacity during the construction and operational assessment phases of the Proposed Development.
- 8.14.11 For the purpose of assessment in **ES Chapter 19 [TR020001/APP/5.01]** waste and resources comprise:
- a. the generation and management of waste; and

- b. the consumption of materials and products (from primary, recycled or secondary, and renewable sources).

8.14.12 Resources are defined as:

- a. construction materials and products; and
- b. assets associated with the management of waste or production of materials such as landfill capacity, safeguarded waste sites and mineral safeguard sites.

8.14.13 The Zone of Influence (ZOI), also referred to as the Expansive Study Area in the assessment, for the cumulative assessment for waste and resources comprises the counties of Bedfordshire (including LBC and CBC), Buckinghamshire and Hertfordshire.

8.14.14 Operational information, including a roadmap for resources and waste which includes targets, are set out in the **Sustainability Statement [TR020001/APP/7.07]** and this has been considered during the design and provides context to the Applicant's strategy in relation to waste and resources.

8.14.15 The design of the Proposed Development and the planned approach to its construction have been developed with an overarching principle of achieving efficiencies in waste and resources where possible, for example by designing-out waste generation where possible and diverting waste from landfill through on-site and off-site recycling and recovery.

8.14.16 Mitigation measures have been embedded into the design for the purpose of minimising effects related to waste and resources. These general measures comprise the following, which focus on designing out waste and implementing a waste hierarchy:

- a. Designing the development in a manner that facilitates the reuse of acceptable material arisings, for example those associated with earthworks cuttings and other excavations.
- b. The inclusion of land within the development for the temporary on-site storage of soils, excavated materials and other materials.
- c. The appropriate sizing of construction compounds to enable the segregation and storage of waste, and to facilitate off-site recovery.
- d. The retention of existing infrastructure within the development design where feasible, to minimise the need for the demolition of components and infrastructure and the associated generation of waste material.
- e. Design of adequate provision for internal and external waste storage to allow waste segregation during operation.

8.14.17 LLAOL have set a target to recycle at least 70% of their waste by 2022 which exceeds the 50% target set out by the Waste Framework Directive and is replicated in the ANPS. It was reported in the LLAOL 2021 Sustainability Report that the airport has maintained a recycling rate of over 60% most years since 2017, 2020 was an exception to this. While there has been an improvement

since, due to the impact of the Covid-19 pandemic, the operator has not yet achieved their target recycling rate of 70% in 2022 but is currently over 60%.

- 8.14.18 As identified in the current airport operational 2019 baseline Section 19.7 of **ES Chapter 19 [TR020001/APP/5.01]**, all non-hazardous operational waste is sent for recycling or energy recovery with no non-hazardous operational waste consigned directly to landfill. It is assumed that the current landfill diversion rate (100%) will be maintained. Non-hazardous operational waste is expected to increase in proportion to passenger numbers.
- 8.14.19 In 2019, the airport generated a total of 2,471 tonnes of non-hazardous operational waste. It is estimated that non-hazardous operational waste would increase to 4,731 tonnes by the year 2043 (**Table 19.55 in Chapter 19 of the ES [TR020001/APP/5.01]**). Waste quantity and type is proportional to passenger numbers, assuming the terminal capacities are achieved, and they are achieved at the start of each year.
- 8.14.20 Given the estimated 100% landfill diversion rate for non-hazardous operational waste, it is considered that operation of the Proposed Development would result in no impact on landfill void capacity. However, a worst-case scenario where all non-hazardous waste is sent to landfill is used in the assessment. This would be 0.09% (Assessment Phase 1), 0.18% (Assessment Phase 2a) and 0.21% (Assessment Phase 2b) of the baseline non-hazardous waste landfill void capacity of 15.3 million m³ (Assessment Phase 1) and 10 million m³ (Assessment Phase 2a and 2b). Therefore, operational waste generated by the Proposed Development would reduce landfill void capacity in the non-hazardous waste Expansive Study Area by <1% in the worst-case scenario.
- 8.14.21 Hazardous operational waste is expected to increase in proportion to passenger numbers. In 2019, the airport generated a total of approximately 21 tonnes of hazardous operational waste. It is estimated that hazardous operational waste will increase to 37 tonnes by the year 2043 (assuming the terminal capacities are achieved, and they are achieved at the start of each year).
- 8.14.22 Based on the estimated future hazardous waste arisings at the airport and potential for recycling and recovery of some of these waste types e.g., aerosols and batteries, it is considered waste generated by the Proposed Development would reduce landfill void capacity in the hazardous waste Expansive Study Area by <0.1%.
- 8.14.23 Mitigation measures have also been integrated into the Proposed Development for the purpose of minimising effects related to waste and resources during construction. These general measures comprise the following, which focus on implementing the waste hierarchy through the reuse and recycling of site-won materials on-site where possible to minimise the need to import construction materials to site, and to reduce the quantity of waste to be exported off-site:
- a. Achieving an earthworks balance (cut and fill material) within the design of the development, where possible, to minimise the need to import and export material.

- b. The reuse of excavated materials and the recycling of demolition and construction materials within the development, where practicable.
- c. Importing alternative (recycled and secondary) aggregate and other materials during construction, where practicable.
- d. Produce a Materials Management Plan (MMP) (a requirement set out in the Code of Construction Practice (CoCP) included as **Appendix 4.2** of the **ES [TR020001/APP/5.02]**).
- e. Produce a Site Waste Management Plan (SWMP) (as a requirement set out in the **CoCP**, included as **Appendix 4.2** of the **ES [TR020001/APP/5.02]**). The SWMP will be based on the Outline Site Waste Management Plan (OSWMP) (included as **Appendix 19.1** of the **ES [TR020001/APP/5.02]**).
- f. Setting of recycled content targets. Specifically, achieving a minimum of 25% recycled or secondary content in key construction materials (e.g., concrete and steel). The 50% operational waste recycling target will be secured in an Outline Operational Waste Management Plan (OOWMP) - **Appendix 19.2** of the **ES [TR020001/APP/5.02]** and secured by a requirement in the DCO. An Operational Waste Management Plan based on the OOWMP will also be produced (**Appendix 19.2** of the **ES [TR020001/APP/5.02]**).
- g. Setting of waste recovery targets. Specifically, achieving at least 90% (by weight) material recovery of non-hazardous construction and demolition waste.

Planning Policy Compliance

- 8.14.24 The ANPS states that *“the targets for preparation for re-use and recycling of municipal waste (50%), and for construction and demolition waste (70%) set out by the Waste Framework Directive (2008/98/EC)188 should be considered ‘minimum acceptable practice’ for the construction and operation of any new airport infrastructure”*.
- 8.14.25 The construction target is for the Proposed Development to achieve at least 90% (by weight) material recovery of non-hazardous construction and demolition waste which goes beyond the 70% target set out in the ANPS. The airport operator has also set a target to recycle at least 70% of their waste by 2022 which exceeds the 50% target set out by the Waste Framework Directive and is replicated in the ANPS.
- 8.14.26 A comprehensive suite of mitigations, including the OWMP, OSWMP, SWMP, OOWMP and CoCP, to eliminate or significantly reduce the risk of adverse impacts associated with resource and waste management has been provided for both the construction and operational assessment phases in accordance with paragraph 5.143 of the ANPS. This is also in line with HCC Waste Development Framework Waste Core Strategy policies 2 and 12, CBCLP section 17.1.8, NHDCLP policy D1 and paragraph 8 of the NPPF which makes reference to minimising waste.

- 8.14.27 In accordance with LLP policy LLP37 which encourages “*an overall reduction in the amount of waste generated, treated and disposed of to reduce the need for land for waste management. Proposals that are likely to generate significant volumes of waste through development or operational phases will be required to include a waste audit as part of the application*”, an audit of the design has been undertaken to estimate resources required and waste to be generated from construction, and the estimates are summarised in **Table 19.53 of ES Chapter 19 [TR020001/APP/5.01]**. Additionally, an audit of operational waste data from the existing airport has been undertaken. This data has been used to extrapolate future waste generation (paragraph 19.9.46 of **ES Chapter 19 [TR020001/APP/5.01]**). This is notwithstanding the requirements of the waste audit which are not set out in the LLP.
- 8.14.28 With the stated mitigation measures in place, it is concluded that waste can be satisfactorily managed and that this matter can be attributed neutral weight in the planning balance.

8.15 Flood Risk

Policy Context

- 8.15.1 Paragraphs 5.152-5.157 of the ANPS set out the approach to flood risk assessment that is relevant for airport development. Paragraphs 5.158 to 5.165 and 5.178-5.181 outline the requirements to mitigate the impact of flooding including the use of sustainable drainage systems (including infiltration devices, rainwater recycling, ponds) with the aim to ensure that surface runoff does not increase in comparison to baseline and the requirement to apply the sequential approach.
- 8.15.2 Paragraphs 5.176 and 5.177 of the ANPS identify the requirements for the ES to describe:
- a. baseline water quality, water resources and characteristics of the water environment;
 - b. impacts of the Proposed Development on water bodies or protected areas under the Water Framework Directive (WFD), source protection zones and abstractions;
 - c. impacts of the Proposed Development on the water and wastewater treatment network; and
 - d. cumulative effects.
- 8.15.3 Paragraphs 5.182-5.186 outline the requirements for the Proposed Development to consider interactions with Environment Agency requirements (in relation to water quality and resources), WFD requirements and environmental permitting.
- 8.15.4 Section 14 of the NPPF outlines the requirements to ensure that flood risk is considered at all stages of the planning process to direct development away from areas at highest risk.

- 8.15.5 LLP policy LLP36 relates to flood risk and seeks to ensure that all new development addresses flood resilience, the effective management of flood risk and that development does not increase the risk of flooding elsewhere.
- 8.15.6 CBCLP policies CC3 – CC5 cover matters regarding the river and waterway network, climate change and sustainability and outlines requirements for the management of water resources, flood risk and water supply/sewerage infrastructure.
- 8.15.7 Policy SP11 Natural resources and Policy NE8 Sustainable drainage systems in the NHDCLP, outline requirements for the management of water resources and flood risk and use of Sustainable Drainage Systems (SuDS).
- 8.15.8 DBCCS policy CS32 sets out provisions regarding water management, stating that Flood Risk Assessments (FRA) will be required for development proposed in Flood Zones 2 and 3 and any associated negative impacts must be adequately mitigated.

Assessment

- 8.15.9 The airport is located north east of the River Lee on an elevated escarpment area that forms part of a scarp slope of the Chilterns Hills. The Main Application Site is located within two river valleys, the River Lee and the River Mimram. The existing airport sits on a plateau between these two river valleys at an elevation of approximately 160m AOD. The east of the Main Application Site is located within the head of the River Mimram valley.
- 8.15.10 The Main Application Site is within Flood Zone 1. Some of the areas of off-site highway works are within Flood Zones 2 and 3.
- 8.15.11 **ES Chapter 20 [TR020001/APP/5.01]** reports the assessment of the likely significant effects of the Proposed Development on potential flood risk. The following appendices have been completed to inform the assessment in Section 20.9 of the same chapter:
- a. Flood Risk Assessment (FRA) (**Appendix 20.1** of the **ES [TR020001/APP/5.07]**);
 - b. Water Framework Directive (WFD) (Water Environment (WFD) Regulations 2017) Compliance Assessment (**Appendix 20.2** of the **ES [TR020001/APP/5.02]**);
 - c. Hydrogeological Characterisation Report (**Appendix 20.3** of the **ES [TR020001/APP/5.02]**);
 - d. Drainage Design Statement (DDS) (**Appendix 20.4** of the **ES [TR020001/APP/5.02]**);
 - e. Water Cycle Strategy (**Appendix 20.5** of the **ES [TR020001/APP/5.02]**); and
 - f. Hydrogeological Risk Assessment (**Appendix 20.6** of the **ES [TR020001/APP/5.02]**).

- 8.15.12 A FRA has been completed in line with the requirements outlined in paragraphs 5.152-5.157 of the ANPS and is provided in **Appendix 20.1** of the **ES [TR020001/APP/5.07]**.
- 8.15.13 The drainage design for the Proposed Development has applied a hierarchical approach that promotes a sustainable approach and includes the use of infiltration tanks and rainwater recycling. Open water systems (such as ponds) have not been used due to space constraints and potential risk of bird strike. The drainage design and changes to the current surface water regime are described in the Drainage Design Statement (DDS) provided as **Appendix 20.4** of the ES **[TR020001/APP/5.02]**.
- 8.15.14 The sequential approach has been applied through the design process as described in the FRA provided in **Appendix 20.1** of the **ES [TR020001/APP/5.07]**.
- 8.15.15 A detailed assessment of the potential impacts of construction activities on flood risk is provided in the FRA (**Appendix 20.1** of the **ES [TR020001/APP/5.07]**). The assessment concluded there is not expected to be an increased risk of flooding as a result of the Proposed Development.
- 8.15.16 In assessment Phases 2a and 2b, large volumes of surface water runoff would be directed to an infiltration tank. This has the potential of increasing downstream surface water flows as groundwater emerges at the headwaters of the River Mimram at its minor tributaries, in the vicinity of Kimpton. This is described further in the **FRA (Appendix 20.1** of the **ES [TR020001/APP/5.07]**), and in the mounding assessment within the Hydrogeological Characterisation report (**Appendix 20.3** of the **ES [TR020001/APP/5.02]**).
- 8.15.17 A detailed assessment of the potential impacts of operational activities on flood risk is provided in the **FRA (Appendix 20.1** of the **ES [TR020001/APP/5.07]**). This demonstrates that with the drainage design taking into account a 1 in 100-years flood event plus a 40% climate change allowance, flood risk is adequately mitigated.
- 8.15.18 The design of the airport expansion has been undertaken in cognisance of the groundwater levels, with no excavations proposed below the groundwater table. This embedded mitigation limits the potential for groundwater lowering impacts which could lead to a reduction in baseflow to receptors (such as springs, Groundwater Dependent Terrestrial Ecosystems and surface water courses) or derogation of existing abstractions.
- 8.15.19 Prior to the construction of Terminal 2, surface water from existing areas of the airport and new infrastructure created as part of the Proposed Development would continue to discharge to the existing central soakaway within the Main Application Site and the Thames Water surface water sewerage network. A rainwater harvesting system would be introduced to allow roof water from T1 to be used as a non-potable water source. The rainwater would be stored and subject to treatment to ensure the quality is fit for the intended non-potable use.
- 8.15.20 The main drainage infrastructure would include the installation of the new Water Treatment Plant (WTP), attenuation tanks and infiltration tanks for the Proposed

Development. The infiltration tanks are to be located underground to avoid bird strike risk at the south eastern corner of the Proposed Development.

- 8.15.21 The design of the surface water drainage has been developed to accommodate the volume and rate of water generated by a 1 in 100-year return period storm event, including a 40% uplift to allow for potential increases in rainfall due to climate change. The new drainage system will include real-time monitoring of contaminant levels and volumes to determine if surface water runoff from across the remainder of the Main Application Site is contaminated. When contaminants are detected, water will be diverted into storage tanks. From the storage tanks, contaminated runoff will then be diverted to the WTP for treatment before discharging into treated effluent infiltration tank.
- 8.15.22 The approach to drainage and flood risk has been discussed with the Lead Local Flood Authority (LLFA) and Environment Agency (EA) through the working group process. The detailed drainage design will be subject to further agreement and this matter is covered by a Requirement **[TR020001/APP/2.01]**. Additionally, Thames Water (TW) have agreed to accept the to the net increase in discharge to the TW system in Assessment Phase 1. The proposed rainwater harvesting in Assessment Phases 2a/2b, would result in a net decrease in the discharge to the TW network.
- 8.15.23 The drainage design strategies for the Off-site Highway Interventions (separate to the DDS) would be developed following grant of development consent, pursuant to a DCO Requirement, in consultation with the relevant planning authority and EA. In order to be comply with the relevant planning authority and EA's requirements, the drainage design strategies will follow the principles of sustainable drainage design and contemporary highway design standards. Attenuation and water quality management systems will be implemented where required in response to changes in hardstanding, increased pollutant loading or to help mitigate existing surface water flooding issues.
- 8.15.24 The full list of embedded and good practice mitigation regarding flood risk that has been incorporated into the Proposed Development design or assumed to be in place before undertaking the assessment are set out in Section 20.8 of **ES Chapter 20 [TR020001/APP/5.01]**.

Planning Policy Compliance

- 8.15.25 The Proposed Development demonstrates accordance with paragraphs 5.152-5.157 of the ANPS through the FRA which has been completed in line with the requirements outlined in the ANPS and provided in **Appendix 20.1** of the **ES [TR020001/APP/5.07]**. Furthermore, paragraphs 5.158-5.165 and 5.178-5.181 have been addressed by the drainage design for the Proposed Development which applies a hierarchical approach that promotes a sustainable approach and includes the use of infiltration tanks and rainwater recycling.
- 8.15.26 The approaches outlined in Section 14 of the NPPF, LLP policy LLP36, CBCLP policies CC3-CC5 and NHDCLP policy NE8 in relation to flood risk have been applied to the **FRA** provided as **Appendix 20.1** of the **ES [TR020001/APP/5.07]**.

8.15.27 With the stated mitigation measures in place, there is not expected to be an increase in risk or harm from flooding caused by the Proposed Development. The Proposed Development is therefore in accordance with the relevant planning policies and provisions governing flood risk and should be afforded neutral weight in the planning balance.

8.16 Water Quality and Resources

Policy Context

- 8.16.1 Paragraphs 5.172 – 5.174 of the ANPS set out the assessment considerations for water quality and resources and 5.175 states that *“Where the proposed development is subject to an Environmental Impact Assessment and the development is likely to have significant adverse effects on the water environment, the applicant should ascertain the existing status of, and carry out an assessment of, the impacts of the proposed project on water quality, water resources and physical characteristics as part of the environmental statement.”*
- 8.16.2 As referred to in the policy context for Flood Risk (section 9.14) above, paragraphs 5.176 and 5.177 of the ANPS identify the requirements for the ES to describe:
- a. baseline water quality, water resources and characteristics of the water environment;
 - b. impacts of the Proposed Development on water bodies or protected areas under the Water Framework Directive (WFD), source protection zones and abstractions;
 - c. impacts of the Proposed Development on the water and wastewater treatment network; and
 - d. cumulative effects.
- 8.16.3 Paragraphs 5.182-5.186 of the ANPS outline the requirements for the Proposed Development to consider interactions with Environment Agency requirements (in relation to water quality and resources), WFD requirements and environmental permitting.
- 8.16.4 NPPF paragraph 174 (e) states *“... Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.”*
- 8.16.5 The LLP outlines LBC’s strategic objectives in relation to flood risk, water quality and climate which have informed the design of mitigation and monitoring measures identified in Policy LLP36 Flood risk, Policy LLP37 Climate change, carbon and waste reduction and sustainable energy and Policy LLP38 Pollution and contamination which outlines requirements to minimise the risk and impact of flooding and contamination of water resources, considering the impacts of climate change.
- 8.16.6 CBCLP policies CC6 – CC8 cover matters regarding the river and waterway network and outlines requirements for the management of water resources and water supply/sewerage infrastructure.

8.16.7 Policy SP11 Natural resources in the NHDCLP outlines requirements for the management of water resources stating developments must “*support the principles of the Water Environment (Water Framework Directive) Regulations 2017 and seek to protect, enhance and manage the water environment*”.

8.16.8 DBCCS policy CS32 sets out provisions on air, soil, and water quality stating that “*any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted*”.

Assessment

8.16.9 The spatial scope for the water resources assessment was primarily defined as encompassing all water resources receptors located within 1km radius of the Main Application Site as shown on **Figure 20.1** of the **ES [TR020001/APP/5.03]**. The ZOI applied for the cumulative assessment for water resources was a 5km radius from the Main Application Site. This differs from the study area and is more precautionary to ensure all development with the potential to have cumulative impact on the underlying aquifer is considered.

8.16.10 With regard to water resources, **ES Chapter 20 [TR020001/APP/5.01]** considers the operational effects of:

- a. changes to existing water level, volume and flow characteristics that could increase flood risk or reduce water available for existing abstractions, or receptors in the natural environment;
- b. surface water and groundwater quality;
- c. water supply and sewerage infrastructure; and
- d. WFD bodies and potential changes to their status.

8.16.11 The following appendices have been completed to inform the assessment in **ES Chapter 20 [TR020001/APP/5.01]**:

- a. Flood Risk Assessment (FRA) (**Appendix 20.1** of the **ES [TR020001/APP/5.07]**);
- b. Water Framework Directive (WFD) (Water Environment (WFD) Regulations 2017) Compliance Assessment (**Appendix 20.2** of the **ES [TR020001/APP/5.02]**);
- c. Hydrogeological Characterisation Report (**Appendix 20.3** of the **ES [TR020001/APP/5.02]**);
- d. Drainage Design Statement (DDS) (**Appendix 20.4** of the **ES [TR020001/APP/5.02]**);
- e. Water Cycle Strategy (**Appendix 20.5** of the **ES [TR020001/APP/5.02]**); and
- f. Hydrogeological Risk Assessment (**Appendix 20.6** of the **ES [TR020001/APP/5.02]**).

- 8.16.12 The full list of embedded and good practice mitigation regarding water resources that have been incorporated into the Proposed Development design or assumed to be in place before undertaking the assessment are set out in Section 20.8 of **Chapter 20** of the **ES [TR020001/APP/5.01]**.

Groundwater quality and quantity

- 8.16.13 A capping layer would be provided for the extent of the historic landfill affected to minimise surface water infiltration into the underlying waste and prevent generation of future landfill leachate. The implementation of the capping layer on the landfill would close the potential pathway for contaminants, which can currently be mobilised by downward migration of surface water through the landfill material and into the wider aquifer.
- 8.16.14 Surface water runoff would be discharged to ground through one of the infiltration tanks and as such has the potential to impact groundwater quality. Surface water runoff will be subject to appropriate inline treatment such as petrol interceptors or permeable pavements prior to discharge. Surface water runoff from the aprons will be subject to live monitoring which will identify contaminated water and divert to the WTP for treatment. With the live monitoring and inline treatment preventing the discharge of contaminated water, the impact on the underlying aquifer is considered to be very low.
- 8.16.15 Based on the DDS (**Appendix 20.4** of the **ES [TR020001/APP/5.02]**) maintaining existing net contributions from the surface water catchments to the existing groundwater catchments, a water quality monitoring system that would detect, isolate, and treat any contaminated surface water and the concentration of potentially polluting materials consented in the final effluent will be restricted to concentrations that would not change the quality of the water within the underlying aquifer.

Surface water quality and quantity

- 8.16.16 The impact of the proposed drainage system described in the DDS (**Appendix 20.4** of the **ES [TR020001/APP/5.02]**) on the quality of the River Mimram, River Lee and Luton Hoo Lake is assessed to be very low. Additionally, the DDS specifies a water quality monitoring system that would detect, isolate, and treat any contaminated surface water. Furthermore, the concentration of potentially polluting materials consented in the final effluent will be restricted to concentrations that would not change the quality of the water within the underlying aquifer, that feeds both the River Mimram and River Lee.
- 8.16.17 A screening process identified that the works (as described in **Chapter 4** of the **ES [TR020001/APP/5.01]**) have the potential to lead to a change in pollutant loading and require further assessment. The assessment identified the requirement for additional surface water and pollutant management measures to manage impacts on water quality. These measures will be specified during the detailed design stages.
- 8.16.18 An assessment of the cumulative effects of the Proposed Development on the water environment is provided in **Chapter 21** of the **ES [TR020001/APP/5.01]**.

Monitoring

- 8.16.19 Real-time continuous monitoring of contaminants would be completed across the Proposed Development drainage network to ensure that any contaminated runoff would be treated to an appropriate level prior to discharging to the underlying aquifer via the northern and southern infiltration tanks. This is described in the DDS (**Appendix 20.4** of the **ES [TR020001/APP/5.02]**).
- 8.16.20 The monitoring of water consumption associated with the Proposed Development would be maintained during operation in agreement with Affinity Water.
- 8.16.21 The monitoring of groundwater levels and quality would be undertaken throughout operation; further details are provided in **Chapter 17** Soils and Geology of the **ES [TR020001/APP/5.01]**.

Planning Policy Compliance

- 8.16.22 The Proposed Development is in accordance with paragraphs 5.172 – 5.174 of the ANPS, as demonstrated by Section 20.7 of **ES Chapter 20 [TR020001/APP/5.01]** which describes all surface water and groundwater receptors identified in the study area. This includes a description of baseline water quality, water resources and WFD status. An appropriate assessment of the impacts of the Proposed Development on water quality and water resources (including source protection zones and abstractions) has been undertaken and is outlined in Section 20.9 of the same ES Chapter.
- 8.16.23 To satisfy paragraphs 5.176 and 5.177 of the ANPS, a WFD Compliance Assessment has been completed, in line with methodology agreed with the Environment Agency and outlined in the Scoping Report and is provided as **Appendix 20.2** of the **ES [TR020001/APP/5.02]** and an assessment of the cumulative effects of the Proposed Development on the water environment is provided in **Chapter 21** of the **ES [TR020001/APP/5.01]**.
- 8.16.24 In line with the requirements of paragraphs 5.182-5.186 of the ANPS and paragraph (e) of the NPPF the methodology, definition of baseline conditions and assessment provided in the ES has been informed by ongoing engagement with the EA regarding permitting, water quality (including WFD requirements) and water resources. The impacts of the Proposed Development on water quality and water resources (including WFD) have been provided in the WFD Compliance Assessment provided as **Appendix 20.2** of the **ES [TR020001/APP/5.02]**.
- 8.16.25 The suite of evidence base document listed in paragraph 9.11.11 above and the mitigation measure stated have been informed by and therefore adequately address LLP policy LLP38, CBCLP policies CC6-CC8, NHDCLP policy SP11 and DBCCS policy CS32.
- 8.16.26 Thus, it has been demonstrated that the Proposed Development will not result in unacceptable levels of water pollution nor any significant impacts on water resources, and is, therefore, in accordance with relevant national and local planning policy and should be afforded neutral weight in the planning balance.

8.17 Land Contamination and Instability

Policy Context

- 8.17.1 Paragraphs 5.226–5.229 of the ANPS set out the land stability policy. Where necessary, land stability should be considered in respect of new development, as set out in the NPPF and supporting planning guidance. A preliminary assessment of ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. The applicant should ensure that any necessary investigations are undertaken to confirm that their sites are and will remain stable or can be made so as part of the development.
- 8.17.2 Paragraphs 5.109–5.127 of the ANPS set out policies concerned with land contamination. For developments where land may be affected by contamination, or existing mitigation is in place in respect of historical contamination, the applicant should have regard to the statutory regime contained in Part IIA of the Environmental Protection Act 1990 and relevant Government guidance relating to or dealing with contaminated land. Where the development is subject to an EIA, the applicant should undertake an assessment of any likely significant land quality effects and describe them in the ES. How they have been avoided / minimised / addressed should be documented. The objective is to ensure that the site is suitable for its intended use. Paragraph 5.117 states that the applicant should safeguard any mineral resources on the proposed site for the preferred scheme as far as possible.
- 8.17.3 Paragraph 183 NPPF requires LPAs to ensure that the condition of land is appropriate and suitable for the proposed new development, in order to prevent unacceptable risks from pollution and ground instability. Paragraph 185 states *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development”*. The NPPF also states that land should not be determined as “contaminated land” as defined under Part IIA of the EPA 1990 after remediation, adequate site investigation, prepared by a competent person, should be available to inform contamination assessments.
- 8.17.4 Through Policy LLP38 of the LLP, LBC require evidence to be provided to demonstrate *“whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or wider environment. Where adverse impacts are identified, appropriate mitigation will be required.”*
- 8.17.5 As stated in Policy CC8 of the CBCLP, CBC will only permit development proposals likely to cause pollution or land instability where it is demonstrated amongst other related factors that *“measures can be implemented to minimise the impacts of pollution and land instability to an acceptable level without compromising the quality of life for users and occupiers which protects health, natural and historic environment, water quality, property, infrastructure and*

amenity; and the conditions of the site can be suitably mitigated or land remediated for the proposed end use and cause no adverse effects.”

- 8.17.6 The NHDCLP includes the strategic policy; Policy SP11 which notes the objectives to protect and enhance the water environment and support proposals that involve the remediation of contaminated land. Policy NE4 includes requirements which must be met as part of planning permission to protect, enhance, and manage designated and non-designated ecological and geological sites. Furthermore, Policy NE11 sets out requirements for development affecting contaminated land including preparation of contaminated land study and risk assessment, investigation, and remediation to ensure the site is suitable for use.

Assessment

- 8.17.7 **ES Chapter 17 [TR020001/APP/5.01]**, Soils and Geology, presents an assessment of impacts from potentially contaminated soils on human health, the environment, buildings, buried infrastructure and those arising from disturbance from the construction of the Proposed Development and its operation. Additionally, the chapter considers impacts to mineral resources, specifically whether the Proposed Development falls within future mineral extraction areas and any potential impacts to future exploitation of mineral resources. This is supported by the assessment of the likely significant effects of the Proposed Development.
- 8.17.8 This assessment is based on detailed assessments contained within the following reports which are provided as Appendices of the **ES [TR020001/APP/5.02]** and should be referred to:
- a. Preliminary Risk Assessment (PRA) of Land Contamination (**Appendix 17.1**).
 - b. Land Contamination Generic Quantitative Risk Assessment (GQRA) Report. (**Appendix 17.2**).
 - c. Detailed Quantitative Risk Assessment Report (DQRA): Human Health and Ground Gases (**Appendix 17.3**).
 - d. Detailed Quantitative Risk Assessment (DQRA) Report: Controlled Waters (**Appendix 17.4**).
 - e. Outline Remediation Strategy for Former Eaton Green Landfill (**Appendix 17.5**).
 - f. Foundation Works Risk Assessment (FWRA) (**Appendix 17.6**).
 - g. Outline Strategy Report for Groundwater, Ground Gas and Leachate Monitoring (**Appendix 17.7**).
- 8.17.9 This section presents the results of the land contamination and instability assessment of likely significant effects with the embedded mitigation measures in place. The embedded mitigation works included in the **Outline Remediation Strategy for the Eaton Green Landfill in Appendix 17.5** of the **ES [TR020001/APP/5.02]** have been designed to enable the safe delivery of the Proposed Development on a former landfill site. The geotechnical design takes

into account issues which may affect the stability, settlement, and integrity of the platform to ensure they do not impact the Proposed Development. Mitigation for these issues is summarised in Section 17.8 of **ES Chapter 17 [TR020001/APP/5.01]**.

- 8.17.10 The study area falls under three Mineral Local Plan areas: the majority of the site is covered by NHDC, LBC and CBC Local Plan and Bedfordshire Council and Luton Minerals and Waste Local Plan, the eastern area falls within Hertfordshire County Council Local Plan. The plans set out future mineral extraction activities in their areas.
- 8.17.11 The Hitchin Highway Intervention areas fall within a sand and gravel minerals safeguarding area (MSA) noted in HCC's Minerals Consultation Areas Supplementary Planning Document. The proposed works, however, are minor and are likely to fall within the excluded development list which includes application on land already built upon, whereby consultation is not required. No other parts of the Proposed Development fall within an MSA. Therefore, future mineral extraction is not considered further in the ES in terms of MSA.
- 8.17.12 Construction activities during assessment Phase 1 and 2a could expose heritage construction workers, adjacent residential areas to the north and users of Luton airport to contaminants in dust, vapours, and gases through a number of potential routes of exposure. Implementation of design and environmental management mitigation measures set out in the **Outline Remediation Strategy for the Eaton Green Landfill [TR020001/APP/5.02]** and **CoCP [TR020001/APP/5.02]** would reduce the potential magnitude of impact for these receptors to very low. Therefore, this is expected to result in an overall short-term, temporary, reversible, minor adverse effect on human health.
- 8.17.13 Potential for presence of aggressive ground conditions, in particularly in development on the former landfill. However, appropriate design including use of resistant materials, e.g., use of appropriate concrete class, will be secured at detailed design. This could potentially result in a long-term permanent, negligible adverse effect.
- 8.17.14 The former landfill does not currently have an engineered capping layer and has the potential to expose future maintenance workers and users of the airport to contaminants in the landfill material/Made Ground/landfill leachate through a number of potential routes of exposure. The Proposed Development would largely comprise hardstanding which would prevent contact with these materials however additional measures are required. Mitigation is proposed in the form of an engineered cover system, and placement of services/drains/ducts in the cover system with active gas protection measures as described in the **Outline Remediation Strategy for the Eaton Green Landfill [TR020001/APP/5.02]**. This would be installed beneath the airport apron constructed over the landfill in Assessment Phase 1. Extension to the areas of car parking would introduce additional hardstanding over the landfill. This would reduce the potential magnitude of impact to these receptors to very low through the reduction of risk to human health by reducing potential for exposure to contaminants in the landfill. This is therefore expected to result in an overall medium term, minor adverse effect on human health.

- 8.17.15 Migration of landfill gases into future buildings (i.e., Terminal 2 extension, ancillary airport buildings) and build-up of gas is identified to pose a potential risk to future users of the Proposed Development. The loading of the landfill due to the construction of the apron would also stimulate migration of landfill gases into buildings and along preferential pathways. Implementation of the gas management measures detailed in the Section 17.8 of **Chapter 17** of the **ES [TR020001/APP/5.01]** would prevent gas migration into the buildings on site and the ducts on the airfield.
- 8.17.16 The disturbance to the landfill and surcharging during construction works, creates the potential for migration of landfill gases off-site. This has been identified as having the potential to expose adjacent residential areas and users of the airport to landfill gas/ground gases. Perimeter gas protection measures are proposed to be installed prior to commencement of construction works to prevent migration of landfill gases outside of the landfill. The form of the gas protection measures is to be determined at detailed design stage. The identification and treatment of possible preferential pathways such as the Thames Valley Drain would also be undertaken to prevent off-site gas migration. This would constitute a beneficial impact as an improvement on the current situation as landfill gas is uncontrolled. Therefore, based on the assessment methodology this would have resulted in a permanent, long-term minor beneficial effect on human health receptors. However, as these receptors are offsite, this is assessed to be a negligible beneficial effect.
- 8.17.17 The engineered capping layer would be extended to cover the final areas of the development, to remove contaminant pathways. This would produce a potential magnitude of impact on future maintenance workers and users of the airport. Therefore, providing the capping is maintained overall this is expected to result in a long-term, permanent, minor adverse effect.
- 8.17.18 The extensive construction works have potential to encounter and disturb Unexploded Ordnance (UXO) through construction of foundations i.e., piling (Areas A, E, LLAOL Contractor's Compound). The risk from UXO is present to construction workers, adjacent residential areas, and users of the airport. These risks can be mitigated by following good practice measures as set out in the **CoCP [TR020001/APP/5.02]** and recommendations in UXO assessments. Application of these mitigation measures would ensure no impact.

Planning Policy Compliance

- 8.17.19 The Proposed Development will not contribute to, or be put at unacceptable risk from, soil pollution or through remediating and mitigating against contaminated land, in line with paragraphs 5.109-5.127 of the ANPS, NPPF paragraph 185 LLP policy LLP38, CBCLP policy CC8 and NHDCLP policies SP11, NE4 and NE11.
- 8.17.20 Regarding land instability, geotechnical assessment has been undertaken which takes into account potential land stability issues. **ES Chapter 17 [TR020001/APP/5.01]** summarises how land stability risks would be mitigated and minimised. This is aligned with paragraphs 5.226-5.229 of the ANPS.

- 8.17.21 The MSAs which are relevant to the Proposed Development are discussed in Section 17.7 of **ES Chapter 17 [TR020001/APP/5.01]** and it is established that no other parts of the Proposed Development fall within an MSA. This satisfies paragraph 5.117 of the ANPS.
- 8.17.22 Overall, the Proposed Development is in accordance with national and local stated policies on environmental protection regarding land contamination and instability, subject to the appropriate mitigation as described. The Proposed Development is therefore in accordance with the relevant planning policies and provisions concerning land contamination and instability and should be afforded neutral weight in the planning balance.

8.18 Dust, Odour, Artificial Light, Smoke and Steam

Policy Context

- 8.18.1 APF paragraph 3.55 states that the Government's policy "*will be to ensure there is full consideration of the environmental impacts of the most credible options for maintaining our international connectivity.*"
- 8.18.2 Paragraph 5.236 of the ANPS states that "*the Secretary of State should ensure the applicant has provided sufficient information to show that any necessary mitigation will be put into place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of dust, odour, artificial light, smoke and steam from the development to reduce any loss to amenity which might arise during the construction and operation of the development. A construction management plan may help clarify and secure mitigation.*"
- 8.18.3 Paragraph 5.237 of the ANPS states that "*the SoS should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of dust, odour, artificial light, smoke and steam. This includes the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*"

Assessment

- 8.18.4 As per paragraph 5.233 of the ANPS, where it states, "*where the development is subject to an Environmental Impact Assessment, the applicant should assess any likely significant effects on amenity from emissions of dust, odour, artificial light, smoke and steam, and describe these in the environmental statement*", this can be found in the accompanying **ES [TR020001/APP/5.01]**.
- 8.18.5 This covers within its relevant chapters the assessment of likely significant effects of the Proposed Development with regard to amenity. Amenity value has been built into various chapters, including **Chapter 7 Air Quality [TR020001/APP/5.01]**, **Chapter 8 Biodiversity, [TR020001/APP/5.01]**, **Chapter 14 Landscape and Visual [TR020001/APP/5.01]**, **Chapter 13 Health and Community [TR020001/APP/5.01]**, **Chapter 16 Noise [TR020001/APP/5.01]** and **Chapter 18 Traffic and Transport [TR020001/APP/5.01]**. Details on the assessments on air quality and noise are provided with the **ES** and have been

discussed in further detail in this Planning Statement in Section 8.5 for air quality and Section 8.6 for noise.

- 8.18.6 In terms of lighting, the **Light Obtrusion Assessment [TR020001/APP/5.02]** does not expressly assess impacts to the Chilterns AONB but demonstrates that the Proposed Development is substantially below the acceptable limits set out for Upward Flux Ratio (sky glow) and nuisance caused by the lighting installation. In accordance with the findings set out in the Light Obtrusion Assessment provided as **Appendix 5.2** of the **ES [TR020001/APP/5.02]**, it is assumed that the predicted impact of sitewide construction and operational lighting to be delivered by the Proposed Development on views from the surrounding area would be negligible.
- 8.18.7 Mitigation measures to minimise dust, emissions, noise have been embedded into the design and detailed in **Chapter 7** Air Quality of the **ES [TR020001/APP/5.01]**, **Chapter 16** Noise and Vibration of the **ES [TR020001/APP/5.01]** and **Chapter 18** Traffic and Transport of the **ES [TR020001/APP/5.01]**. These will be in place to mitigate impacts on local residents, visitors, and employees both during construction and operation of the Proposed Development.

Planning Policy Compliance

- 8.18.8 In line with the APF and ANPS, reasonable steps have been taken to reduce risks resulting from the construction and operation of the Proposed Development on amenity as demonstrated in detail in the ES Chapters noted above.
- 8.18.9 The **ES [TR020001/APP/5.01]** includes an adequate consideration of the management of the different amenity aspects, with mitigation measures proposed where appropriate. These measures propose appropriate steps that will be taken to reduce the risk of amenity value loss in line with paragraph 5.233 of the ANPS.
- 8.18.10 The Proposed Development demonstrates accordance with the requirements of paragraphs 5.236 and 5.237 of the ANPS. The provisions on amenity, with specific measures and assessments undertaken in the relevant topic areas, provide sufficient information to show that any necessary mitigation will be put into place. As a result, this matter can be accorded a neutral weight in the planning balance.

8.19 Sustainability

Policy Context

- 8.19.1 Sustainability is a cross-cutting theme which is embedded in national and local planning policy. NPPF paragraph 7 sets out that *“the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*. Paragraph 8 states that *“achieving sustainable development means that the planning system has three overarching*

objectives", including economic, social, and environmental, and that "*these need to be pursued in mutually supportive ways*".

- 8.19.2 The Aviation Policy Framework sets out at paragraph 18 that should support sustainable development and be delivered in a way which is consistent with its principles.
- 8.19.3 Sustainability is embedded with the ANPS and the term "sustainable" is used in reference are made to it in relation a wide range of topics including to design, surface access, noise, biodiversity, waste, drainage, communities, and skills.
- 8.19.4 LLP Policy LLP1, NHDCLP Policy SP1, CBCLP Policy SP2 and DBCCS Policy NP1 all seek to achieve sustainable development. Each of those plans also contain detailed policies setting out how they aim to achieve economic, social, and environmental objectives.

Assessment

- 8.19.5 The **Sustainability Statement [TR020001/APP/7.07]** considers how the Proposed Development addresses policy and legislation relevant to sustainability (and outlines the Applicant's commitments around sustainability in the context of the Proposed Development, which have themselves been defined in line with the Applicant's own corporate Sustainability Strategy (Ref 8.6) and Net Zero Strategy (2022) (Ref 8.7).
- 8.19.6 The **Sustainability Statement [TR020001/APP/7.07]** is structured around the five key strategic objectives which are central to the Applicant's corporate strategy:
- a. protect and enhance the natural environment;
 - b. deliver climate resilience and business continuity;
 - c. leading the transition to Carbon Net Zero;
 - d. become a green national hub for green technology, finance, and innovation; and
 - e. be a place to thrive.
- 8.19.7 For each objective, the **Sustainability Statement [TR020001/APP/7.07]** sets out how the Proposed Development would contribute to its achievement with reference to the **ES [TR020001/APP/5.01]** and the proposed sustainability commitments contained throughout other application documents.
- 8.19.8 As the objectives covered by the **Sustainability Statement [TR020001/APP/7.07]** are considered in detail as part of other topics within this section, the details of these are not replicated again here.

Planning Policy Compliance

- 8.19.9 The **Sustainability Statement [TR020001/APP/7.07]** demonstrates that the Proposed Development delivers on the Applicant's own Sustainability Strategy and Net Zero Strategy and is aligned with relevant legislation and policy, at both the national and local level. By developing the design of the Proposed

Development within the context of the Applicant's corporate Sustainability and Net Zero Strategies – the remit of which are wider than the Proposed Development itself – the Applicant is committing to aligning the sustainability objectives of the Proposed Development with those of national and local government, and where feasible, delivering on these ahead of government targets.

8.20 Community Compensation

Policy Context

- 8.20.1 Paragraph 5.239 of the ANPS states that the SoS recognises that, in addition to providing economic growth and employment opportunities, airport expansion will also give rise to negative impacts upon local communities through increased exposure to aircraft noise being an example. Paragraph 5.240 states that SoS expects the applicant to provide an appropriate community compensation package.
- 8.20.2 Paragraph 5.251 states that the SoS will consider whether and to what extent the applicant has sought to minimise impacts on local people. Furthermore, paragraph 5.253 states that the SoS will expect the applicant to demonstrate how the compensation provisions are to be secured and mobilised. The applicant must also demonstrate how these measures will be administered to ensure that they are enforced and relevant to planning once operational.

Assessment

- 8.20.3 As part of the Proposed Development, s106 heads of terms have been drafted and seek agreement to secure future measures to support the community.
- 8.20.4 Alongside this, the application for development consent includes compensation and widespread mitigation measures for affected local people. These are set out in the **Compensation Policies, Measures and Community First [TR020001/APP/7.10]** document. This document provides detail about the compensation measures the Applicant will introduce, including who qualifies.
- 8.20.5 It also provides details of the proposal for the creation of Community First which will help put more back into local communities. Money from the Community First fund will be allocated to projects that tackle deprivation in Luton and neighbouring counties, and for local decarbonisation projects. It will split 60% to Luton, and 40% to neighbouring counties, recognising that Luton has some of the most deprived areas within the East of England.
- 8.20.6 As well as this, part of the Proposed Development, the current noise insulation scheme administered by LLAOL, will be replaced if development consent is granted. The updated noise insulation scheme improves on the current scheme and goes beyond the government proposals set out in Aviation 2050.
- 8.20.7 Full details on the proposed noise insulation scheme and a new discretionary property compensation scheme are presented in the **Compensation Policies, Measures and Community First** submitted as part of the application for development consent **[TR020001/APP/7.10]**.

Planning Policy Compliance

- 8.20.8 Extensive mitigation measures are proposed and embedded into the Proposed Development and negative impacts limited where reasonably practicable. It is acknowledged, as paragraph 5.239 of the ANPS suggests, that the nature of the development may lead to negative impacts. This includes clear noise control measures in place (see the Noise Envelope in the **Green Controlled Growth Explanatory Note [TR020001/APP/7.07]**) which will control noise effects to be no worse than those predicted in the ES.
- 8.20.9 In particular the measures incorporated into the Proposed Development align with paragraph 5.253 of the ANPS which states it *“expect[s] the applicant to demonstrate how these provisions are secured, and how they will be operated. The applicant will also need to show how these measures will be administered to ensure that they are relevant to planning when in operation.”*
- 8.20.10 In order to combat the negative effects identified, the Proposed Development includes a Community First fund which will contribute £1 for each additional passenger as a result of the airport expansion. At the maximum expanded capacity of 32 million passengers per annum (mppa), and assuming the current cap of 19 mppa as the baseline, this would mean £13 million a year is contributed to Community First, of which £5.6 million would be allocated to projects in neighbouring counties. This compares to the current Near Neighbour Fund which is in the region of £25,000 per year. This aligns with paragraph 5.240 of the ANPS which seeks an appropriate mitigation package to be put in place and paragraph 5.242 which requires that *“the applicant has consulted on the details of a community compensation fund, including source of revenue, size and duration of fund, eligibility, and how delivery will be ensured.”*

8.21 Major Accidents and Disasters (Safety and Security)

Policy Context

- 8.21.1 Paragraph 4.5 of the ANPS Section 4 Assessment Principles states *“safety, social and economic benefits and adverse impacts should be considered at national, regional and local levels. These may be identified in the Airports NPS, or elsewhere. The SoS will also have regard to the manner in which such benefits are secured, and the level of confidence in their delivery.”* ANPS Section 4, paragraph 4.35 states *“The Examining Authority and SoS will take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security standards which the design has to satisfy.”* Paragraphs 4.63 to 4.69 are concerned with national security and safety considerations, including in relation to terrorism. ANPS Section 5 Assessment of Impacts includes a requirement for the consideration of land instability and a requirement for the consideration of flood risk, which can be considered to have the potential to result in any major accidents or disasters (MA&D).
- 8.21.2 Paragraph 45 of the NPPF states that *“Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them”*. Paragraph 97 states that planning decisions *“should promote*

public safety and defence requirements by”, amongst others: “anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate (...). This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security”.

- 8.21.3 The Control of Development in Airport Public Safety Zones (Department for Transport (DfT)) (Ref 8.8) policy paper defines Public Safety Zones (PSZs) and sets out the criteria for their establishment. Development within PSZs is restricted so as to control the number of people on the ground at risk of death or injury should an aircraft accident occur during landing or take-off, thus the paper also provides directions on what is permissible within PSZs.
- 8.21.4 The LLP makes reference to local emergency planning primarily in the context of flooding and Flood Risk Assessments. Policy LLP36 A(ii) states *“ensuring that all new development addresses flood resilience, the effective management of flood risk including opportunities for appropriate dry access for emergency vehicles”.*
- 8.21.5 The Local Plan refers to the PSZ at the airport within paragraphs 4.48 and 11.19-11.23 *“Department for Transport Circular 01/2010 relates to the Control of Development in Public Safety Zones (PSZ). PSZ’s are areas at either end of the runway within which development is restricted in order to control the number of people living, working or congregating on the ground in that area, in order to minimise the risk in the event of an accident on take-off or landing”.*

Assessment

- 8.21.6 **ES Chapter 15 [TR020001/APP/5.01]**, Major Accidents and Disasters (MA&D), identifies and describes policy and guidance relevant to the assessment of likely significant effects of the Proposed Development with regard to MA&D.
- 8.21.7 An Environmental Risk Record (ERR) is provided in **Appendix 15.1** of the **ES [TR020001/APP/5.02]** which contains a list of all MA&D hazards identified as relevant to the Proposed Development and how each risk would be mitigated and managed. The ERR has been utilised as an assessment tool, where each MA&D hazard is analysed in relation to its potential to pose a significant risk, with due regard to its severity, duration/ recoverability, likelihood, tolerability, and mitigation measures proposed.
- 8.21.8 The measures incorporated within the design of the Proposed Development would mitigate risk associated with MA&D, potentially caused by an increase in precipitation resulting from climate change, the proposed earthworks, the proposed highway design, fuel storage, bird strikes and any fire risk.
- 8.21.9 Additionally, the design of the Proposed Development allows for rapid emergency evacuations (including the Luton DART system once in operation) and a three-minute response time from emergency services wherever required on site.
- 8.21.10 The PSZ, as mentioned above in national and local policy, extends beyond the end of the runway along flight paths to the north east and south west. PSZs were introduced at airports to minimise the risk of aircraft accidents to third

parties to As Low As Reasonably Practicable (ALARP). The PSZ identifies areas where development is restricted in order to control the number of people living, working, or congregating on the ground in that area, to minimise the risk in the event of an accident on take-off or landing. The PSZs aim to minimise risk to people by reducing the concentration and dwell time of individuals within high-risk areas. The PSZ for the Proposed Development is illustrated on **Figure 15.3** of the **ES [TR020001/APP/5.03]**.

- 8.21.11 The proposed Off-site Car Parks are located within the south western section of the PSZ. Provision of long stay and employee car parking within a PSZ is permitted under the Department for Transport's 2021 PSZ Policy Paper.
- 8.21.12 The PSZ associated with the proposed development has been established where planning restrictions apply (refer to **Figure 15.3** of the **ES [TR020001/APP/5.03]**) to minimise the number of people and properties at risk in case of an accident occurring during aircraft landing or take-off. Runway End Safety Areas are also provided for the protection of the aircraft and passengers on board during take-off and landing, as well as runway strips along the sides of the paved runway. This is to minimise hazards in event of aircraft having a 'runway excursion' during extreme weather events, e.g., strong winds or snow and ice.
- 8.21.13 Regarding the outbreak of disease, the airport currently has measures in place to prevent the spread of COVID-19. The measures implemented are regularly reviewed and updated in line with the latest Government advice, with the most up to date list of measures published on airport's website.
- 8.21.14 In the case of a future pandemic, measures in line with the latest Government guidance would be employed to minimise the risk of spreading infectious diseases.
- 8.21.15 The detailed design of façade treatments and photovoltaic panels will be subject to a glint and glare assessment prior to their installation to keep the likelihood of a MA&D occurring as low as reasonably practicable.
- 8.21.16 Operational monitoring measures relevant to the MA&D assessment include:
- a. monitoring and regular audits of the operational management system, to ensure compliance with the requirements of the Aerodrome Licence; and
 - b. monitoring of the operation of the proposed fuel farm, in compliance with Control of Major Accidents Hazards (COMAH) and Hazardous Substances Consent requirements.

Planning Policy Compliance

- 8.21.17 In line with the paragraphs 4.5, 4.35, 4.63-4.69 and section 5 of the ANPS, paragraphs 45 and 97 of the NPPF, the DfT policy paper on PSZs, LLP policy LLP36 and paragraphs 4.48 and 11.19-11.23 the Proposed Development will promote public safety and take into account wider security requirements.
- 8.21.18 **Chapter 15** of the **ES [TR020001/APP/5.01]** includes an adequate consideration of the management of security risks and protective security

measures are proposed. The chapter assesses a number of plausible threats and natural hazards and proposes appropriate steps that will be taken to reduce vulnerability, increase resilience and ensure public safety and security.

- 8.21.19 The Proposed Development is therefore in accordance with the relevant planning policies and provisions concerning major accidents, disasters and public safety and this matter can be accorded neutral weight in the planning balance.

8.22 Community Engagement

Policy Context

- 8.22.1 Paragraph 5.258 of the ANPS states that the applicant must “*engage constructively with the community engagement board throughout the planning process, with its membership (including an independent chair), and with any programme(s) of work the community engagement board agrees to take forward*”. Paragraph 5.259 adds the SoS will consider whether the applicant has engaged constructively with this community engagement board throughout the planning process.
- 8.22.2 Paragraph 5.209 of the NNNPS states that for schemes impacting on the Strategic Road Network, applicants should have regard to DfT Circular 02/2013 The Strategic Road Network and the delivery of sustainable development (or prevailing policy) which sets out the way in which the highway authority for the Strategic Road Network, will engage with communities and the development industry to deliver sustainable development and, thus, economic growth, whilst safeguarding the primary function and purpose of the Strategic Road Network.
- 8.22.3 NPPF paragraphs 40, 126, 129, 132 and 133 highlight the importance of community engagement regarding the design and impacts of any proposed development.

Planning Policy Compliance

- 8.22.4 The pre-application consultation undertaken is documented within the **Consultation Report [TR020001/APP/6.01]** submitted with the Application.
- 8.22.5 This document also includes appendices that set out how the Applicant has carried out consultation with other key stakeholders from an early stage in, and throughout, the project, in accordance with paragraph 5.259 of the ANPS.
- 8.22.6 The evolution of the Proposed Development has been informed by extensive consultation and engagement between the Applicant and the local community, local authorities, Persons with an Interest in the Land (PILs) and Prescribed Consultees. This Consultation Report sets out the consultation process, the feedback received and how the Applicant has had regard to responses received, including how feedback has influenced or been incorporated into the Proposed Development.
- 8.22.7 Informal stakeholder engagement has also been undertaken throughout the pre-application stage. Responses to all rounds of consultation have been carefully considered and used to inform the Proposed Development.

- 8.22.8 The 2019 and 2022 statutory consultations were undertaken in accordance with the requirements of the Planning Act 2008.
- 8.22.9 Statements of Community Consultations (SoCC) were produced for both statutory consultations setting out how the Applicant proposed to consult about the proposed application for development consent with people living in the vicinity of the land. The host and neighbouring local authorities were consulted on the draft SoCC, with comments being addressed in the published versions as appropriate. Consultation was undertaken in accordance with the SoCCs for both rounds of statutory consultation.
- 8.22.10 A range of engagement methods were used to ensure the consultations were inclusive and accessible to all, including a website, phonenumber, consultation events methods and Document Inspection Venues.
- 8.22.11 In total, 892 responses were received for the 2018 non-statutory consultation, with 3,501 and 3,790 responses received to the 2019 and 2022 statutory consultations, respectively. Responses to all rounds of consultation have been carefully considered and used to inform the Proposed Development.
- 8.22.12 Key changes to the Proposed Development following the 2018 non-statutory consultation included:
- a. reducing the scale of expansion from 36-38 mppa to 32 mppa;
 - b. the preferred configuration of the Proposed Development;
 - c. the introduction of a legally enforceable Noise Envelope;
 - d. changes to the area of Wigmore Valley Park to be used for the Proposed Development as well as a commitment to increasing public open space by 10%;
 - e. a new stream of community funding called FIRST to help better share the resources created by the growth of the airport between Luton and the surrounding local authorities in perpetuity;
 - f. changes to construction, ensuring greater use of on-site earthworks material, rather than importing vast quantities of earth; and
 - g. the introduction of a commitment of at least 45% of all passenger journeys to and from the airport being made by public transport and other sustainable travel methods.
- 8.22.13 Key changes to the Proposed Development following the 2019 statutory consultation included:
- a. the introduction of the 'Green Controlled Growth' framework to better manage the potential effects of the Proposed Development;
 - b. changes to FIRST, renamed to Community First, ensuring more direct beneficial use of available funds, by targeting areas of high deprivation in the region and by helping to finance local decarbonisation projects;
 - c. additional sustainability measures incorporated into the new terminal, including solar and geothermal renewable energy production and rainwater harvesting;

- d. a commitment to designing the new terminal to BREEAM Excellent principles;
- e. construction changes to reduce the size of the airfield platform and landside remediation works; and
- f. general changes to design including reconfiguration of taxiways, realigning the position of the new stands, reducing the size of hardstanding, moving the fuel storage facility further away from the runway and a new access road to the Fire Training Ground.

8.22.14 Key changes to the Proposed Development following the 2022 statutory consultation included:

- a. the design of Terminal 1 was changed to include an extension to the baggage hall and departure lounge as well as the introduction of a new boarding pier;
- b. updated approach to noise compensation to include a Noise Insulation Scheme for those properties within the night-time Significant Observed Adverse Effect Level contour;
- c. surface access changes included the Applicant setting out a process for identifying more ambitious surface access targets, and greater certainty and transparency as to how environmental effects, including surface access, would be measured and reported;
- d. a new 33kV substation to cater for an early increase in electric demand, ahead of and to supplement the second 33kV substation proposed to support Terminal 2; and
- e. additional sensitivity testing to ensure that the assessment of the impacts of the Proposed Development takes account of different scenarios.

8.22.15 The Proposed Development is therefore considered to be in accordance with legislation and national policy with regard to community engagement.

9 PLANNING BALANCE AND CONCLUSIONS

9.1.1 This Planning Statement has been prepared to support the application for a DCO for the expansion of London Luton Airport. The Proposed Development seeks to expand the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity to 32 mppa. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with incremental growth in capacity of the airport.

The Process of Determination

9.1.2 The determination of this DCO application will be made in accordance with section 105 of the Planning Act 2008.

9.1.3 Section 105(2) of the Act provides that, in deciding the Application, the SoS must have regard to any Local Impact Report (LIR) prepared by the relevant local authorities, matters that may be prescribed and any other matters which the SoS “*thinks are both important and relevant*” to their decision.

9.1.4 The Planning Act 2008 does not incorporate section 38(6) of the Planning and Compulsory Purchase Act 2004 which provides the principal basis in law for the determination of planning applications namely that they must be determined in accordance with the Development Plan unless material considerations indicate to the contrary. The Development Plan therefore is not the starting point for the consideration of a DCO. Nevertheless, the policies contained within the applicable Development Plan documents are likely to be both important and relevant.

Principle of Development

9.1.5 There is clear government policy support for aviation growth and for airports making best use of their runways, as set out in various national aviation policy documents including APF, ANPS, Beyond the Horizon - The future of UK aviation, MBU, FttF, and the Jet Zero Strategy, all of which are important and relevant to the decision.

9.1.6 In particular, APF paragraph 5 is supportive of aviation growth within a framework which maintains a balance between the benefits of aviation and its costs. Furthermore, both the ANPS and MBU are clear that the government is supportive of airports beyond Heathrow making best use of their existing runways. These policy documents also recognise that the development of airports can have negative as well as positive local impacts and that any proposal should be considered on its merits.

9.1.7 MBU considers the implications of airport growth for the UK’s carbon commitments and sets out that, on the basis that future carbon emissions can be managed, government believes there is a case for airports making best of their existing runways across the whole of the UK. Accordingly, it is considered that carbon from aircraft is a national government matter not for individual applicants.

- 9.1.8 The ANPS acknowledges that London and the south east are now facing longer term capacity problems and this is having an adverse impact on the UK economy and affecting the Country's global competitiveness. The Proposed Development would clearly contribute to tackling this issue.
- 9.1.9 The ANPS is clear that the Government accepts that it may well be possible for existing airports to demonstrate sufficient need for their proposals and that applications by airports wishing to make more intensive use of existing runways will be judged on their individual merits.
- 9.1.10 The principle of development is also established in local planning policy in the LLP. Policy LLP6 makes provision for the airport to respond positively to future growth helping to safeguard Luton's key sub-regional economic contribution to jobs and wealth creation while setting a clear environment and transport framework with which to regulate future growth.
- 9.1.11 In summary, there is clear support for UK airport expansion as a driver for economic growth, ingrained in national policy and the Proposed Development is supported in principle, subject to the benefits being appropriately balanced against the impacts.

Need Case and Socio-Economic Benefits

- 9.1.12 Government policy on aviation is clear that increases in aviation capacity are necessary and that they bring significant socio-economic benefits. The Government recognises that by not increasing airport capacity in the south east, capacity constraints would impose increasing costs on the rest of the economy over time, lowering economic output by making aviation more expensive and less convenient to use, with knock-on effects in lost trade, tourism, and foreign direct investment.
- 9.1.13 There are a large number of businesses with international connections in the area served by the airport and these businesses need enhanced aviation connectivity in order to remain globally competitive and deliver growth in productivity and output.
- 9.1.14 Notwithstanding the effects from Covid-19, there is expected to be strong growth in demand for air travel, with the market recovering to 2019 levels by around 2024. This growth is expected to continue, and additional capacity will be required at London Luton Airport shortly thereafter if it is to continue to deliver the aviation connectivity that the area around it requires.
- 9.1.15 Expansion of the airport will deliver substantial socio-economic benefits in terms of jobs and a boost to economic activity in the local and wider area, thereby supporting the Government's Levelling Up agenda and other initiatives to grow the economy in the region.
- 9.1.16 In this context, the positive impact on direct and indirect forms of employment generated, direct and indirect GVA, increased business travel opportunities, increased tourism GDP and jobs, journey time savings and APD revenue, together with the measures in the ETS which will maximise employment opportunities at the local level are collectively significant socio-economic

benefits which should be accorded substantial positive weight in the planning balance.

Environmental Impacts

- 9.1.17 The four key environmental topics which are directly linked to the throughput of the airport and where, therefore, environmental effects on communities have the greatest potential to change as the numbers of flights and passengers using the airport increase over time will be appropriately and effectively managed through the Green Controlled Growth (GCG) Framework, are:
- a. aircraft noise, via a Noise Envelope;
 - b. air quality;
 - c. greenhouse gas emissions (for airport operations and surface access);
and
 - d. surface access.
- 9.1.18 The GCG Framework will ensure that where monitoring has shown that a Limit has been exceeded, the airport will not be able to continue growing until a specific series of steps have been followed and the exceedance brought back within Limits through a mitigation plan.
- 9.1.19 The GCG Framework therefore establishes an explicit commitment to link environmental performance to growth at the airport and, taken together with other proposed mitigation measures, ensures that impacts in these four key areas will be mitigated to the extent that limited-to-moderate adverse weight should be accorded to these matters in the planning balance.
- 9.1.20 The conclusions presented in the Environment Statement demonstrate that, in relation to landscape and visual impacts, agricultural land, health and community, other amenity matters and cultural heritage, impacts can be mitigated to the extent that these issues should be accorded limited adverse weight in the planning balance.
- 9.1.21 The conclusions presented in the Environment Statement demonstrate that, in relation to waste, flood risk, water quality and resources, land contamination and major accidents, impacts can be mitigated to the extent that these issues should be considered to be neutral in the planning balance
- 9.1.22 The Proposed Development would deliver biodiversity improvements which should be accorded positive weight in the planning balance.
- 9.1.23 Limited development is proposed within the Green Belt and where this is deemed to be “inappropriate development”, it has been demonstrated that Very Special Circumstances exist in accordance with relevant national and local Green Belt policy.

Overall Conclusions

- 9.1.24 Having regard to all of the above, the substantial benefits of the Proposed Development clearly and demonstrably outweigh the harms that would arise with the proposed suite of mitigation measures in place.

- 9.1.25 As a result, the Proposed Development is in accordance with national aviation policy, national planning policy and the relevant development plan documents when taken as a whole.
- 9.1.26 The overall planning balance is, therefore, overwhelmingly in favour of the grant of development consent for the Proposed Development.

GLOSSARY AND ABBREVIATIONS

Terminology	Description
Development	
Proposed Development	Expansion of London Luton Airport
Planning Process	
Associated Development	All development on and off-site associated with the expansion of London Luton Airport
Application Site	The area covered by the proposed planning application boundary – this term should be used in most instances.
Main Application Site	The airport site excluding off-site works – to be used in specific circumstances where distinction is needed, typically the ES.
Examination	Examination of the application, including examination and hearings
Examining Authority (ExA)	Group of Inspectors appointed by the Planning Inspectorate to examine a specific application
The Planning Act 2008 (referred to as “the Act” after the first mention in a document)	Legislation that must be adhered to when undertaking statutory consultation and preparing to submit an application
Planning Obligations	Planning S106 agreements and obligations
Planning Requirements	Planning conditions, controls and requirements
SoS	Secretary of State for Transport
General	
Long haul	A flight of length more than 2,000 miles (APD Band B), typically outside of Europe/N Africa
Short haul	A flight of length less than 2,000 miles (APD Band A), typically within Europe/N Africa

Acronym	Description
AAR	Airport Access Road (formerly CPAR)
AGI	Above Ground Installation
AGLV	Areas of Great Landscape Value
ALARP	As Low As Reasonably Practicable
ALC	Agricultural Land Classification
ALLV	Areas of Local Landscape Value
ANPS	Revised draft Airports National Policy Statement: new runway capacity and infrastructure at airports in the south east of England

Acronym	Description
AONB	Area of Outstanding Natural Beauty
AONB	Area of Outstanding Natural Beauty
APD	Air Passenger Duty
APF	Aviation Policy Framework
AQMA	Air Quality Management Area
ATM / ATMs	Air Transport Movement(s)
BMV	Best and Most Versatile
CAA	Civil Aviation Authority
CBC	Central Bedfordshire Council
CBCLP	Central Bedfordshire Council Local Plan 2015-2035
COMAH	Control of Major Accidents Hazards
CORSIA	Carbon Offsetting and Reduction Scheme for International Aviation
CPO	Compulsory Purchase Order
CWS	County Wildlife Site
DAS	Design and Access Statement
DBCCS	Dacorum Borough Council Core Strategy 2006-2031
DCO	Development Consent Order
DDS	Drainage Design Statement
DOZ	Drop Off Zone
DPD	Development Plan Document
DQRA	Detailed Quantitative Risk Assessment Report
EA	Environment Agency
EA	Environment Agency
EASA	European Aviation Safety Agency
EPA	Environmental Protection Act
ES	Environmental Statement
ESG	Environmental Scrutiny Group
ETS	Employment and Training Strategy
FRA	Flood Risk Assessment
FRA	Flood Risk Assessment
FTP	Framework Travel Plan
FtF	Flightpath to the Future
FWRA	Foundation Works Risk Assessment
GA	General Aviation
GCG	Green Controlled Growth

Acronym	Description
GHG	Greenhouse Gases
GQRA	Land Contamination Generic Quantitative Risk Assessment
GVA	Gross Value Added
HCC	Hertfordshire County Council
HCC	Hertfordshire County Council
HER	Historic Environment Record
HGV	Heavy Goods Vehicle
HIA	Health Impact Assessment
HistE	Historic England
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
ICAO	International Civil Aviation Organization
LBC	Luton Borough Council
LBMP	Landscape and Biodiversity Management Plan
LDF	Local Development Framework
LIR	Local Impact Report
LLAOL	London Luton Airport Operations Limited
LLFA	Lead Local Flood Authority
LLP	Luton Local Plan 2011-2031
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LTP	Local Transport Plan
Luton DART	Luton Direct Air to Rail Transit
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MA&D	Major Accidents or Disasters
MBU	Beyond the Horizon - The future of UK aviation, making best use of existing runways
MMP	Materials Management Plan
mppa	million passengers per annum (with space after number, ie 32 mppa)
MSA	Minerals Safeguarding rea
MSCP	Multi Storey Car Park
NE	Natural England
NE	Natural England
NH	National Highways (formerly Highways England)
NHDC	North Hertfordshire District Council

Acronym	Description
NHDCLP	North Hertfordshire District Council Local Plan 2011-2031
NHLE	National Heritage List for England
NNNPS	National Networks National Policy Statement
NO2	Nitrogen dioxide
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPSE	Noise Policy Statement for England
NSIP	Nationally Significant Infrastructure Project
OOSWMP	Outline Operational Site Waste Management Plan
OSWMP	Outline Site Waste
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PM10	Particulate Matter (particles less than 10 µm in diameter)
PM2.5	Particulate Matter (particles less than 2.5 µm in diameter)
PPG	Planning Practice Guidance
PRA	Preliminary Risk Assessment
PRoW	Public Rights of Way
PSZ	Public Safety Zone
SMP	Soil Management Plan
SMR	Surface Movement Radar
SMR	Surface Movement Radar
SO	Strategic Objective
SoCC	Statements of Community Consultations
SRN	Strategic Road Network
SuDS	Sustainable Drainage Systems
SWMP	Site Waste Management Plan
UK ETS	UK Emissions Trading Scheme
UXO	Unexploded Ordnance
WFD	Water Framework Directive
ZOI	Zone Of Influence

REFERENCES

- Ref 1.1 Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended) (APFP 2009)
- Ref 1.2 Planning Act 2008, UK Public General Acts, 2008, Section 5(2)(q)
- Ref 1.3 Department for Transport (June 2018) Airports National Policy Statement
- Ref 1.4 Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)
- Ref 1.5 European Protected Species pursuant to regulation 53 of the Conservation of Habitats and Species Regulations 2010
- Ref 1.6 Wildlife and Countryside Act (1981) (as amended). His Majesty's Stationary Office, London.
- Ref 1.7 Protection of Badgers Act (1992). His Majesty's Stationary Office, London.
- Ref 1.8 Environmental Permitting (England and Wales) Regulations 2016 His Majesty's Stationary Office, London.
- Ref 1.9 Water Industry Act 1991. His Majesty's Stationary Office, London.
- Ref 1.10 The Planning (Hazardous Substances) Act 1990
- Ref 1.11 Schedule 1 of The Planning (Hazardous Substances) Regulations 2015
- Ref 1.12 Control of Major Accident Hazards Regulations 2015
- Ref 1.13 Building Regulations 2010
- Ref 1.14 Control of Pollution Act 1974. His Majesty's Stationary Office, London.
- Ref 1.15 Construction (Design and Management) Regulations 2015
- Ref 1.16 CAA Regulation UK (EU) No. 139/2014
- Ref 1.17 Article 212 of The Air Navigation Order 2016
- Ref 1.18 Civil Aviation Authority, CAP 791: Procedures for changes to aerodrome infrastructure
- Ref 2.1 Secretary of State for Transport (2013), Aviation Policy Framework
- Ref 2.2 Department for Transport (2018) Beyond the Horizon. The future of UK aviation: Making the best use of existing runways. DfT, London.
- Ref 2.3 Department for Transport (2022) Flightpath to the Future: a strategic framework for the aviation sector, May 2022. Online. [Accessed 06/09/22]
- Ref 2.4 Department for Transport (2022) Jet Zero Strategy, Delivering net zero aviation by 2050, July 2022. Online. [Accessed 21/07/22]
- Ref 4.1 Town and Country Planning (General Permitted Development) Order 2015
- Ref 5.2 Town and Country Planning Act 1990
- Ref 6.1 The Infrastructure Planning (Decisions) Regulations 2010
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