Contact: Michael Stubbs
Tel: [redacted]
Fax: [redacted]
E Mail: planning@chilternsaonb.org
[redacted]

23rd June 2023 (before 23:59)

By portal upload only to Planning Inspectorate Portal 'Register to have your say about a national infrastructure project'
My Ref.: F: Planning\DM Casework\NSIPs.

Dear Sir/Madam

London Luton Airport Expansion - Principal Areas of Disagreement Summary Statement (PADSS)

The Chilterns Conservation Board is a statutory body established in 2004 under section 87 of the Countryside and Rights of Way Act 2004 with the purpose of promoting the conservation, enhancement, understanding and enjoyment of the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB). All public bodies have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of an AONB, under section 85 of the CROW Act. The CCB is a statutory consultee for applications for development consent for Nationally Significant Infrastructure Projects under the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

The CCB previously commented on the EIA Scoping for the Expansion of London Luton Airport (2019) and the Luton Rising London Luton Airport proposed expansion consultation (Statutory Consultation 8 February – 4 April 2022).

The attached table is an attempt to summarise those matters that CCB currently considers to comprise areas of disagreement in the form specified by the Examining Authority in their letter of 16 May (PD-005).

We trust that this is in order.

Yours faithfully,

Dr Matt Thomson MRTPI AoU
Head of Strategy and Planning

Principal Issue in Question	Brief Explanation of Concerns	Summary Position (without prejudice) – what needs to change /be amended / be included.
Tranquillity Direct impacts on tranquillity and air quality arising from increased overflying. **Key topics:** **Aesthetic and Perceptual Characteristics.** **AONB Boundary Extension.** **Dark Skies.** **Mitigation measures.**	The following concerns are relevant to these topics and matters reported in the papers. **More aircraft will overfly the AONB** at an altitude that impacts the tranquillity of the AONB (an acknowledged 7,000ft or lower). A key feature for landscape assessment is '*the aesthetic or perceptual characteristics of the landscape within the Chilterns AONB*'. **The AONB boundary extension, if progressed to a conclusion, will materially raise the sensitivity** of the landscape to the south of the A505 and to the east of the airport operation. **Dark Skies** On lighting, we propose some scrutiny/discussion of the **applicant's Light Obtrusion Assessment.** The ES notes this *'does not expressly assess impacts to the Chilterns AONB but that proposal is below acceptable limits within ILP guidance'*.	The '**Rochdale Envelope'** methodology has been agreed as appropriate, by the Examining Authority (ExA). The ExA are invited to share our view that the additional movements below 7,000 ft amount to considerable harm to the public benefit derived from the AONB. This level of additional movements **negatively impacts the tranquillity of the AONB** and its special qualities to the degree that this DCO needs specifically to address how it has satisfied the 'duty of regard' in the CROW Act 2000, section 85, which states that, '*In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.* We seek greater detail on the implications for AONB **dark skies** and commentary on how aircraft with lights on (below 7,000ft) impact this, especially at dusk in the autumn-to-spring period. Ivinghoe Beacon, near Tring, already experiences this impact, as aircraft descend upon their approach to Luton. A discussion of the submitted **Light Obstruction Assessmen**t

Principal Issue in Question	Brief Explanation of Concerns	Summary Position (without prejudice) – what needs to change /be amended / be included.
		and its implications for (a) the dark skies protection of the AONB, including potentially an extension south of the A505 and (b) how greater volumes of descending aircraft, on their approach, will impact dark skies. Our understanding is that many operators have policies that urge their pilots to keep the landing lights on whenever the aircraft is at a threshold of 10,000 ft or lower. We seek greater detail on how future technological advances impact of the delivery of **future noise envelopes.** Further, we need to know just how reliable such information is and such 'educated guesses' should carry less weight when balanced against other matters. **The Green Growth explanatory note** makes the point that at its 3.2.5, '*the next generation of aircraft technology that are expected to start to become available in the mid-2030s (and the subsequent generation expected from the 2050s onwards) do not yet exist and their noise performance is unknown. It is also not possible to accurately forecast at this point in time the expected rate at which this next generation aircraft will be adopted into the fleet*'.
	On aircraft noise (referred to in the GCGF) as 'the noise envelope'. Noise forecasts are to be updated every 5 years. We seek technical assurances. The operator's section 73 variation call-in (currently before the Secretary of State), from 18 to 19 mppa is, in part, predicated on engine technology not being delivered within their anticipated timescale. We have grave concerns about whether these technical improvements can be accurately predicted. We question the general approach here that an 'evidence-based' decision-making forum should engage in an element of crystal ball gazing, no matter how well-informed.	**On aircraft noise** (in the GCGF **Vol 7 (7.08)** 'the noise envelope') forecasts are to be periodically updated every 5 years. The ultimate goal is open-ended, stating that '*the alternative noise forecast will be used to progressively test whether the DCO noise limits (and corresponding thresholds)*
	Mitigation Measures. We welcome mitigation but cannot see how overflying aircraft, with landing lights operational, can be mitigated. Harm is inevitable and we invite the ExA to attribute	

Principal Issue in Question	Brief Explanation of Concerns	Summary Position (without prejudice) – what needs to change /be amended / be included.
	'great weight' to the conservation and enhancement of the AONB.	*could be reduced from 2039 onwards'.* (see 3.3.5 of the GCGF). We focus on *'could'* here, which is ambiguous if it's part of a suite of binding commitments. This is a mere aspiration.
Increased surface access traffic movements. Direct impacts on tranquillity and air quality from increased traffic to/from the airport generated by expansion allied with economic growth 'spin-offs' in the locality and regionally. **Key topics:** **Surface traffic and transport.** **Air quality.** **Ecological networks, with the production of particulate matter, Nitrogen Dioxide and ammonia.**	CCB's interests rest upon various quality-of-life implications with increased private car generation to the airport, with a ripple effect on a large hinterland, including the AONB. On **surface traffic and transport**, the Green Controlled Growth Framework (GCGF) contains several legally binding commitments, including aircraft noise, air quality, greenhouse gas emissions and surface access volumes. **Air Quality.** On the latter, an undertaking is made that 55% of all passengers will arrive by non-sustainable modes when Phase 2(b), is fully operational. By implication, 17.6 mppa surface movements would thus be by 'unsustainable' modes'. The ES on air quality, notes that, *'ammonia emissions from road traffic can also affect the nitrogen deposition at ecological sites'*. At the present time, no	In the delivery of 'jet zero' and other environmental policy (including CAP 1616[1] and the Airports National Policy Statement) and Development Plan policy (see Luton Local Plan LLP6 B (iv) dealing with air transport movements, we promote **far greater environmental ambition**. If this is deemed unachievable or unenforceable, then it is evidence to question the holistic environmental viability of this entire project. **Air Quality**. The GCGF Vol 7 (7.08) at 4.4.3 deals with a periodic air quality review, stating that, '*if the total forecasts are no more than 20% higher than was forecast in the Environmental Statement, no further action is required'*. We are unsure if this means that the forecast in the ES can be exceeded by a ceiling of up to 20% at the periodic review (our emphasis).

[1] CAP1616: Airspace change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information, published by the Civil Aviation Authority.

Principal Issue in Question	Brief Explanation of Concerns	Summary Position (without prejudice) – what needs to change /be amended / be included.
	government guidance exists on the assessment of ammonia. Nevertheless, increased traffic impacts health, ecology and tranquillity. The review of ecological sites in the AONB needs to be considered and included in the air quality monitoring, for example, monitoring at the Sharpenhoe and Sundon Hills SSSI (86 ha of unimproved chalk grassland). **Air Quality and Ecological Networks**. The GCGF at 4.4.3 deals with a periodic air quality review. We seek assurances on this mechanism, and we seek an expansion of the baseline assessment to include ecological sensitivity, including water ecology (especially on the Rivers Lee and Mimram. The River Mimram is a chalk stream, fed from the chalk aquifer. Chalk streams are particularly vulnerable to the impacts of new development.	**Air Quality and ecological networks.** We seek an appropriate mechanism of assessment for (a) the monitoring of nitrogen in habitats as impacted. Quantification of the volumes of nitrogen produced by overflying aircraft and private vehicle generation. (b) The need to assess and comment on the impact on chalk stream species and their protection. Appendix 20.5 Water Cycle strategy would be an appropriate document for this purpose.