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1. Introduction

ExQ1 item BCG.1.3 - Central Government Policy and Guidance asks:

“Are you aware of any updates or changes to Government Policy or Guidance (including emerging policies) relevant to the determination of this application that have occurred since it was submitted? If yes, what are these changes and what are the implications for the application?”

This response indicates relevant areas of emerging policy and comments briefly on them.

2. Aviation 2050 workstreams

Aviation 2050 commits government and industry to workstreams which will inform emerging policy in areas of growing environmental concern. These workstreams indicate the focus of emerging policy and hence the factors likely to affect aviation expansion in the period during which the forecasts provided in the Application would apply. They are therefore relevant in assessing the likely reliability of those forecasts.

The workstreams are summarised below by reference to the paragraphs in Aviation 2050 which are shown in italics but sub-edited in order to bring out the key points.

2.1 Non-CO₂ emissions

Non-CO₂ emissions produced by aviation have climate change impacts, and the advice commissioned by government shows large scientific uncertainties remain over the scale and impacts of the effects relative to CO₂. [3.94]

The effects are not yet well enough understood to form policy with confidence that aviation’s total climate impact would be reduced. The UK will continue working through ICAO on measures to regulate non-CO₂ emissions, and the situation will be reviewed as more evidence becomes available. [3.95]

The government proposes [3.96] to:

- negotiate in ICAO for standards for all engine emissions with climate effects and will expect ICAO to issue best practice guidance on operational mitigations for non-CO₂ effects;*
- consider policies that may evolve over the long term such as technological developments, operational efficiencies, sustainable fuels, market-based measures, demand management and behavioural change; and*
- require planning applications for capacity growth to provide a full assessment of emissions, drawing on all feasible, cost-effective measures to limit climate impact, and demonstrating that their project will not have a material impact on the government's ability to meet its carbon reduction targets.*

It is therefore likely that as the workstreams provide further information, policy will emerge to ensure aviation's non-CO₂ emissions are controlled. Paragraph 12.12.5 of the Applicant's updated GHG Assessment [REP3-007] states:

"For all these reasons, while it is important to acknowledge the presence and warming effect of these non-CO₂ impacts, this assessment has not sought to quantify non-CO₂ impacts, consistent with current Government and Committee on Climate Change advice. Ongoing GHG reporting by the Airport will follow all government policy as it evolves on this issue."

As stated in REP2-061 para 3.12, we are not aware of any advice that airports should not seek to quantify non-CO₂ emissions. Given the nature of the workstreams it is likely that the commitment to follow policy may require more than simply GHG reporting.

The importance attached to this issue in the workstreams would suggest sensitivity tests are needed to assess the impact of more comprehensive GHG controls and limits as information comes to light about the non-CO₂ impacts.

2.2 Noise reduction

Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. [3.72]

The government intends to put in place a stronger and clearer framework which addresses the weaknesses in current policy and ensures industry is sufficiently incentivised to reduce noise, or to put mitigation measures in place where reductions are not possible. [3.114]

The proposed new measures [3.115] include:

- setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise*
- developing a new national indicator to track the long term performance of the sector in reducing noise*
- routinely setting noise caps as part of planning approvals (for increase in passengers or flights). The aim is to balance noise and growth and to provide future certainty over noise levels to communities.*

- *requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.*

The above, taken together with the emphasis on night flights in the Overarching Noise Policy statement indicates a clear emerging policy focus on noise reduction. The Application's noise impact trajectory in the longer term is upwards rather than downwards, in clear contrast to the government's emphasis on achieving future noise reduction and limiting adverse effects on health. This weighs against the Application since its commercial and economic objectives may not be achieved if policy on noise reduction and on limiting the harms of noise tightens.

2.3 Noise outcomes

Aviation 2050 also states:

The government is also proposing [3.119] new measures to ensure better noise outcomes from the way aircraft operate, by increasing uptake of best practice operating procedures and improving compliance with mandatory controls, including:

- *introduce a new power to direct airports to publish information, such as league tables of airline noise performance;*
- *create minimum standards for noise monitoring around airports;*
- *define better targeted maximum departure noise limits which incentivise quietest performance across different aircraft types rather than a 'one size fits all' limit;*
- *monitor and enforce the analysis and reporting on noticeable changes to volumes of traffic by flightpath in accordance with future guidance issued by the CAA on transparency and engagement, and consider limiting the extent of these changes.*

One of the key measures agreed by the Noise Envelope Design Group (NEDG) to incentivise quieter aircraft was the use of certification-related departure Noise Violation Limits, with fines for exceedance, noting that at present the same NVL applies to all types:

“• Departure Noise Violations Limits at the current monitoring locations, but graduated according to the certificated departure noise performance of the different aircraft types” [APP-111 PDF p32 NEDG Final Report para 10 and also see footnote]

The NEDG Interim Report also states:

“• NVLs should be applied at LTN, with the noise level being dependent on the departure QC classification of the aircraft type. The precise values of these limits would need to be defined through an analysis of historic data and should be no greater than limits in use at LTN from 2020.

- *To encourage quieter aircraft, the Group would recommend the implementation of differential airport charges based on QC classifications.”* [APP-111 PDF p60]

By removing these protections, the Applicant has acted against the agreement of the NEDG and against emerging policy, and removed the certainty to which communities are entitled regarding maximum levels of noise from particular overflights. Such noise, above the level which disturbs sleep, leads to health harms and/or awakenings.

2.4 Noise insulation

[3.121] *The government is also proposing new measures to improve noise insulation schemes for existing properties, particularly where noise exposure may increase in the short term or to mitigate against sleep disturbance.*

[3.122] *Such schemes, while imposing costs on the industry, are an important element in giving impacted communities a fair deal. The government therefore proposes the following noise insulation measures:*

- *to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr*
- *to require all airports to review the effectiveness of existing schemes. This should include how effective the insulation is and whether other factors (such as ventilation) need to be considered, and also whether levels of contributions are affecting take-up*
- *the government or ICCAN to issue new guidance to airports on best practice for noise insulation schemes, to improve consistency*
- *for airspace changes which lead to significantly increased overflight, to set a new minimum threshold of an increase of 3dB LAeq, which leaves a household in the 54dB LAeq 16hr contour or above as a new eligibility criterion for assistance with noise insulation*

It is noteworthy that emerging policy underlines the recommendations of ICCAN to which we have already referred and particularly focuses attention on the effectiveness of noise insulation schemes. There is no clear indication in the Application regarding how the in-situ effectiveness of previously-installed or newly installed noise insulation will be determined.

The minutes of the most recent Luton Airport Noise Insulation SubCommittee meeting on 9th March 2023 give little confidence in the existing approach, and take-up has been low:

“5.2 MR [chair] asked what the reasons are why some properties are refusing the scheme. AM explained we have on average 25% take up. Some people think it is spam, others think by accepting they show support of the airport expansion which they do not agree with. Additionally, a lot of properties are rented so the letter is not passed onto the property owner from the tenants. DC asked if there is anything we can do to help this? AM explained the contractor has done door knocking – in some ways it has helped but some people are still opposed.”

There is also confusion in the criteria for Scheme 3 of the current Application which seems to mix two contours, and is the only one which mentions the night (8h) contour:

“a. Scheme 1 – for residential properties inside the 63dB LAeq, 16h contour, a full package of agreed noise insulation works to habitable rooms;

b. Scheme 2 – for residential properties inside the 60dB LAeq, 16h contour and outside the 63dB LAeq, 16h contour, a contribution of up to £20,000 for agreed noise insulation works to habitable rooms;

c. Scheme 3 – for residential properties inside the 55dB LAeq,8h contour and outside the 60dB LAeq,16h contour, a full package of agreed noise insulation works to bedrooms;

d. Scheme 4 – for residential properties inside the 57dB LAeq,16h contour and outside the 60dB LAeq,16h contour, a contribution of up to £6,000 for agreed noise insulation works to habitable rooms; and

e. Scheme 5 – for residential properties inside the daytime 54dB LAeq,16h contour and outside the 57dB LAeq,16h contour, a contribution of up to £4,000 for agreed noise insulation works to habitable rooms.” [REP1-003 section 16.10.5 PDF p165]

The Scheme does not appear to respond to areas of concern in current and emerging policy: avoiding the health harms of night flights (given the proposed 70% increase in night flights), and the provision of effective noise insulation. This must weigh against the Application.

2.5 Air quality

[3.123] The government recognises that air pollution is the top environmental risk to health in the UK and it remains determined to improve air quality. A cleaner, healthier environment benefits people and the economy. The UK is compliant with ambient air quality legislation for most pollutants, but nitrogen oxides are an exception. Emissions of nitrogen oxides have fallen by almost 27% between 2010 and 2016. However, much work remains to be done which is why the government created the Air Quality Plan to help achieve compliance as swiftly as possible. The draft Clean Air Strategy also sets out the ambition to reduce the harm to health from air pollution by half.

[3.124] Pollutants associated with aviation come from airborne aircraft, from ‘airside’ operations such as taxiing and airside equipment, and from passengers and staff (and other airport users) travelling to and from airports. The latter, referred to as surface access, is the largest source and has the most significant effect on local air quality. Action to tackle such emissions from surface access transport modes is discussed in the section of this document on improving surface access to airports.

Luton already experiences significant air quality issues as Representations have made clear, and the emerging policy ambition to reduce such harm by half should be addressed in the Application as a response to these aspirations, in the same way that the Applicant relies on the aspirations set out in Jet Zero.

3. Flightpath to the Future

The emerging policy objectives cited above are reiterated in and supported by FlightPath to the Future, which at the foot of page 6 states:

“We will also continue to work with the sector to reduce the localised impacts of aviation from noise and air pollution.”

4. Climate Change

The government has initiated a 2-year work plan for the Jet Zero Council Delivery Group¹. This plan reveals the large number of areas where work is being undertaken, but as yet no clear policy outcomes have been achieved. It includes headings such as:

SAF mandate

SAF price stability

SAF production

ZEF commercialisation

Funding and capability (outside of ZEF group)

Hydrogen modelling

ZEF infrastructure

Regulation (for domestic net zero aviation)

International coordination

Addressing non-CO₂

All of these areas remain in a state of flux until the workstreams have completed in 2024 and reported, and policy consideration applied.

We indicated in REP1-095 that Jet Zero currently provides little certainty on which to assess whether the growth aspirations of the Application can be achieved as part of a commercially viable project. As-yet unproven, unscaled and uncosted measures required to deliver the strategic objectives of Jet Zero may well reduce demand, yet the proposed Development is to be funded from Airport revenues.

The Applicant has assumed it can reduce its emissions totals compared to those declared in the PEIR by an amount which relies on Jet Zero pathways – and other applications are likely to take the same approach. In that context, it is noteworthy that the Manston Inspectors concluded that increased aviation emissions have a material impact which weighs against granting of consent:

“6.5.71. However, the ExA concludes that given the direction of emerging policy that the Proposed Development’s contribution of 730.1 KtCO₂ per annum ie 1.9% of the total UK aviation carbon target of 37.5 Mt CO₂ for 2050, from aviation emissions will have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. The ExA concludes that this weighs against the granting of development consent.”

¹ See <https://www.gov.uk/government/publications/jet-zero-council-delivery-group-2-year-plan/jet-zero-council-delivery-group-2-year-plan-2023-to-2024-accessible-version>