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Your Reference: TR020001

Dear Ms Dowling,

**Re: Planning Act 2008 (as amended)
Application by London Luton Airport Limited for an Order Granting
Development Consent for the London Luton Airport Expansion project**

This letter is a response to the request from the Examining Authority (ExA) to review the Secretaries of States' decision letter of 13 October 2023 granting planning permission for the variation of planning conditions at Luton airport.


The Rule 17 letter requested that interested parties comment on the decision and any implications for the Development Consent Order (DCO).

It is worth noting that Luton Borough Council was the local planning authority (LPA) and that on the 1 December 2021 the Council's Development Control Committee resolved to grant planning permission for the application (LBC refL 21/00031/VARCON). However, the Secretary of State for Levelling Up Housing and Communities issued a holding direction and subsequently called the application in for his determination, with the public inquiry running from 27 September – 17 November 2022.

This response considers the Secretary of States' decision under the headings used in the decision letter and the Inspectors' report.

Baseline

The Inspectors' Panel ('the Panel') agreed that the appropriate baseline to use was that provided by the 2017 permission (LBC ref: 15/00950/VARCON) [IR 15.8] and that this entailed the operation of the airport in compliance with the permission, consequently an adjustment to the actual number of aircraft movements was made to ensure a condition compliant position [IR 15.5]. This is the baseline that the Joint Host Authorities have put forward for the DCO via their noise consultant Suono. The Panel confirmed with regard to noise that the 2017 permission provides the correct baseline for the purpose of comparison [IR15.28].



LBC notes that the Applicant has presented a sensitivity case in its Environmental Statement [REP1-003] with a theoretical fleet that would have been compliant with the planning condition associated with the 2017 planning permission (see Section 12 of Appendix 16.1 [AS-096]).

Forecasts

The Panel was satisfied with the airport operator's forecasts for fleet modernisation which was directly informed by information from the airlines (such as Wizz, easyJet and Ryan Air) [IR15.14]. That information showed that fleet modernisation has risen from 6% in 2019 to 32% at the time of the Inspectors' consideration and was expected to rise to 88% by 2028 [IR15.12]. The airport operator's information has informed the Applicant's forecasts for the DCO.

Noise

The Panel was satisfied with the LAeq metric that was used (and is used for the DCO) and the other metrics used which informed the overall picture [IR15.22 and 15:58]. A similar comprehensive set of metrics has been used by the Applicant. The Panel was also satisfied with the noise monitoring [IR15.25].

The Panel were satisfied with the values applied for LOAEL (51dB daytime and 45dB night time) and SOAEL (63dB daytime and 55dB night time) [IR15.26], which are the same values that the Applicant has used for the DCO. The magnitude of change of 3db above the LOAEL and 1dB above the SOAEL as having a notable effect, whilst less than 1dB having a negligible effect, was accepted by the Panel.


With regard to the communities that were outside the outer contours (such as Harpenden, Wheathamstead and St Albans), which represent the values of lowest observable adverse effect, the Panel noted that although they are likely to be aware of the presence of aircraft flying to and from the airport, that did not mean that the proposal would cause an unacceptable situation [IR 15:39].

With regard to the Chilterns AONB, the Panel noted that the proposed development involved no airspace change and that the AONB was already overflowed [IR15.43], which is the same situation as for the DCO proposals. However, the Panel did note that a comparison of contour maps showed that a small part of the Chilterns AONB would see an increase in noise above LOAEL, the point at which an adverse effect becomes evident.

The Panel supported the Noise Mitigation Plan (NMP) which is part of the S106 Agreement associated with the permission. The NMP includes components covering the Noise Insulation Scheme (LBC recognise that the DCO proposal includes an enhanced NIS), the QC system (quota count which LBC support being retained), ground noise control, and the noise and track violation scheme (including fines) [IR15:50 and 15:60].

Climate Change

The Panel noted that there was no disagreement that *“national aviation policy supports aviation growth and making best use of existing runways, subject to account being taken of local environmental effects”* [IR15.66 and 15.95]. The position re climate change is further spelt out by the Panel in IR15.67, with reference to the APF and MBU, and the fact that *“increased carbon emission from making best use of existing runways is an environmental consideration that should be considered at a national level.”* The Panel also recorded that the aviation emissions would be within the Government's policy and strategy assumptions, particularly MBU and the



Jet Zero Strategy [IR15.69]. The same is true of the DCO with the Jet Zero Strategy assuming 32mppa at Luton [IR15.74]. The Panel went on to confirm that the proposal would not impede the Government in achieving its emissions reductions targets and that the proposal would accord with national aviation policy [IR15.70 and 15.96].

The Panel commented on the UK ETS and CORSIA regimes, noting that they were separate pollution control regimes which the NPPF assumes will operate effectively [IR15.71 and 15.72].

With regard to surface access emissions, the Panel noted that the airport could exert greater influence on these [IR15.83] and noted that the ASAS needed to be ambitious and robust [IR15.85]. The LPA supported this position at the public inquiry [IR15.86] and recommended a planning condition to encourage a shift to more sustainable modes, and would support similar in relation to the DCO.

The Panel opined that the Carbon Reduction Strategy, secured through a planning condition, has the potential to include more ambitious and stretching targets than the Outline Carbon Reduction Plan that had been submitted with the application, and the Panel considered that it would provide a robust framework for ensuring the reduction in non-aviation emissions were maximized and their effects mitigated [IR15.90].

Transport

The Panel noted that the proposal would not result in significant adverse effects on the operation of the highway network [IR15.118], though the scale of the increase in passenger numbers and consequent road traffic associated with the 19mppa application is significantly less than that proposed in the DCO.

The Panel did recommend more stretching targets for the Travel Plan than are proposed with the DCO [IR15.120], incorporating review and collaboration with public transport operators and the airlines [IR15.142].

Air Quality


A joint position paper was prepared by the airport operator and the Council in relation to air quality, with agreement between the two parties.

As with the DCO the major pollutants identified were NO₂, PM₁₀ and PM_{2.5} [IR15.151] with the panel noting that once in flight aircraft have a limited impact on ground level pollutant concentration, with emissions from road traffic being a major determinant of those concentrations [IR15.152]. The panel found that the proposal would not cause any significant adverse effect on air quality, with the conclusion that the proposal would comply with local plan policy LLP38 [IR15.162] and the NPPF [IR15.163].

Socio-economic Effects

We would draw the ExA's attention to paragraphs IR15.165-IR15.167 which set the socio-economic context for Luton, noting unemployment levels, levels of deprivation and the importance of the airport as a major employer to the Borough and the surrounding area. In addition the summary of the Panel's findings in IR15.197-IR15.200 reiterate the important positive economic impact of this much smaller development in an area with high levels of unemployment and deprivation.

The Panel also referenced national policy support for growth in the aviation sector for its economic benefits, drawing attention to the NPPF [IR15.169], Flightpath to the



Future and the Jet Zero Strategy [IR15.170], and Build Back Better and the Levelling Up White Paper [IR15.174 and 15.184]. Luton's Local Plan policy LLP6 in relation to safeguarding the airport's key role in the sub regional economy, together with policy LLP13 which supports proposals that deliver sustainable economic growth and prosperity were referenced by the Panel [IR 15.171 and 15.172].

Whilst there was dispute from the Rule 6 parties about the number of jobs that would be created by the increase to 19mppa, the Panel noted that there was agreement between all parties that at least several hundred jobs would be created [IR15.177] and that this would be a considerable benefit [IR15.181]. The Panel commented on the type of jobs, noting that new entry level jobs would be beneficial for those local people currently unemployed and that they would also be supported by the Employment Skills and Recruitment Plan [IR15.180]. Clearly the job creation and economic benefits associated with the DCO are of a much greater scale and significance than that associated with the 19mppa proposal, and about which the panel commented that the socio-economic effects would be positive and carry significant weight [IR15.200].

The Development Plan and other relevant policies

In paragraphs IR15.201-IR15.222 the Panel provide a useful assessment and summary of not just the Development Plan policies in relation to airport development, but also national aviation policies and the NPPF, all of which are relevant to the DCO proposals.

Overall, the LPA considers that the Secretaries of States' decision affirmed the Council's position when it resolved to grant planning permission in December 2021, with the real economic benefits weighing heavily in favour of the development. Clearly the DCO accords with Government policy in relation to making better use of the existing runway, whilst the socio-economic benefits are on a much greater scale than those that carried considerable weight in the Secretaries of States' decision and outweighed any harms which may have been identified.

Yours sincerely



Sue Frost
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Sustainable Development