



LONDON LUTON AIRPORT EXPANSION DEVELOPMENT CONSENT ORDER APPLICATION

ISH8: AIR QUALITY ON 29 NOVEMBER 2023 @9.30

Relevant PINS' Agenda Item	Proposed Response
<p><b>4 Air quality</b></p> <p>whether significant effects are likely due to 24 hour working using static conveyor(s) for non-contaminated material;</p>	<p>No submission was made by LBC in relation to this matter.</p> <p><b>Post Hearing Comment:</b>            LBC Environmental Protection has no specific concerns regarding the use of a conveyor system to transport excavated material in preference to using dump trucks and haul roads. Indeed, if well managed, such a system can offer several distinct advantages over the latter approach, as detailed in para. 4.3.38 of AS-082 (Construction Method Statement and Programme Report). Indeed, for materials handling, Appendix 4 to the Institute of Air Quality Management's (IAQM) Guidance on the Assessment of Mineral Dust Impacts for Planning categorises conveyors as having a lower dust potential than unconsolidated haul roads.</p> <p>Regardless of the approach adopted, LBC Environmental Protection (LBC EP) would expect the applicant to have regard to, and where appropriate apply, all relevant IAQM good practice guidance. Regarding materials handling using a conveyor system, this would include the following operational measures from Table 5 of the IAQM Mineral Dust guidance (below).</p> <div style="background-color: #e6f2ff; padding: 10px;"> <p><b>Materials handling</b></p> <p>Enclose transfer points and conveyor discharges where visible dust emissions occur. As a general provision, other potential impacts should be mitigated wherever practicable by:</p> <ul style="list-style-type: none"> <li>• installation on an even alignment with no abrupt changes in grade</li> <li>• return belt cleaners, with arisings collected into a bin or cleaned up</li> <li>• maintenance of the structures and rollers to minimise spillages</li> <li>• shrouding of feed hoppers, transfer points and discharges;</li> <li>• fixed sprays where required</li> <li>• clearance of any spillages to minimise accumulations of loose dry material around the structures</li> <li>• minimisation of drop heights at feed hoppers and discharges</li> <li>• Control and restrict the duration of the site activities where practicable</li> <li>• Storing material under cover, and protecting material from wind</li> <li>• screening material to remove dusty fractions prior to external storage</li> <li>• dampen material using sprays, mists, microfoam or foam;</li> <li>• spray exposed surfaces with chemical binders (after consultation with the regulatory agencies) and spray exposed surfaces of mounds regularly to maintain surface moisture (unless mound surface has formed a crust after rainfall or is grassed)</li> <li>• design hopper load systems to ensure a good match with truck size, and enclose fully on all sides</li> <li>• vegetate exposed surfaces, e.g. overburden mounds, with quick growing plants</li> <li>• filtration equipment may be used to remove silty wastes from waste slurries, and the resulting 'moist cake' can then be disposed while it is wet.</li> </ul> </div>

	<p>The effectiveness of the mitigation employed should then be assessed via a monitoring programme in accordance with the IAQM's Guidance on Monitoring in the Vicinity of Demolition and Construction Sites. Provided the mitigation is correctly applied and continuously monitored, from an air quality perspective, the 24-hour nature of the operation would not be viewed as intrinsically problematic.</p>
<p>the extent to which freight consolidation would be used to reduce construction traffic and traffic related emissions;</p>	<p>No submission was made by LBC in relation to this matter.</p>
<p>an update on any air quality assessments relating to offsite highway works;</p>	<p>No submission was made by LBC in relation to this matter.</p>
<p>an update from the Applicant regarding the potential for odour and flies from the proposed water treatment plant; and</p>	<p>Mr Andrew Loosley, Technical Officer for LBC, made a comment that he understood that the water treatment plant was to be permitted under the Environmental Permitting Regime and went on to expand more in relation to the enforcing implications. This is more fully set out below than was the case at the Hearing and also addresses <b>Action Point 24</b> in relation to addressing complaints that might arise with the treatment plan.</p> <p>Under the Environmental Permitting (England and Wales) Regulations 2016, the applicant must obtain a permit from the Environment Agency for the proposed wastewater treatment works. Typically, such permits include a condition along the lines of the following:</p> <p>"Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable, to minimise, the odour."</p> <p>Where an installation is subject to a permit that enables proceedings to be brought under the Pollution Prevention and Control Act 1999, a local authority may not bring summary proceedings for causing a statutory nuisance unless the Secretary of State has granted consent. This requirement nullifies the potential for double jeopardy, where a single breach could otherwise render an operator liable for prosecution by different regulators under different provisions.</p> <p>Considering the limitation placed on the Council's enforcement powers, should an odour issue arise, it is envisaged that in the first instance, LBC EP would refer the matter to the Environment Agency for action. It should also be noted that the requirements of the odour control condition typically included on environmental permits are significantly more stringent than those actionable under statutory nuisance. The permit usually applies limits at the installation boundary, whereas statutory nuisance concerns the levels affecting a complainant's property.</p> <p>LBC EP had no specific comment to make regarding insect nuisance.</p>
<p>whether there would be an ongoing need to investigate, report and mitigate kerosene odour.</p>	<p>Mr Loosley noted that from time to time, LBC EP hears after-the-fact anecdotal reports of airport-related odour issues. However, despite encouraging potential complainants to contact LBC Neighbourhood Delivery whilst the odour is ongoing, very few service requests are received on this topic. Indeed, reviewing our records before this session at the request of NHDC colleagues, only four service requests relating to odour in the vicinity of the airport have been logged in the last five years—only one of these expressly mentioned fuel odour.</p>

Considering the exceptionally low number of complaints received, it cannot be discounted that these figures may be artificially suppressed due to uncertainty amongst potential complainants regarding the procedure for making an odour complaint, i.e. should they contact the airport operator or LBC Neighbourhood Delivery?

Consequently, LBC EP would welcome the development of a more joined-up approach to odour complaint investigation. Due to limitations on both the Council's resources and its ability to correlate complaints with airside activities, it would be EP's preference that, in the first instance, all complaints should be directed to the airport operator for investigation and resolution. This will require the development of new reporting channels, as the LLA website currently only has a facility for submitting noise complaints. Complaint details (numbers, timings and subject) should be shared with LBC EP, with complainants being advised to contact LBC Neighbourhood Delivery if they still have outstanding concerns following LLA's initial investigation.

**Action Point 22:** Submit a copy of the Applicant's proposed outline fuel odour control procedure, LBC to provide a response. Discuss a mechanism for LBC to engage with the procedure and explain how the procedure would integrate with any airport environmental management system.

A response to this action is provided in the separate document "LBC Responses to ISH8 Action Points 8.12.2023"

**Action Point 24:** Joint Host Authorities to comment on the potential issue of odour and flies from water treatment plant.

Addressed above.

**Action Point 25:** Update regarding how potential complaints in relation to odour could be made and managed, and how this would be secured. Interested Parties (IPs) to comment on subsequent deadline.

As noted in response to Action Point 22 (in the separate document) the Applicant did submit an Air Quality – Odour Reporting Process on 6 December 2023, and LBC have provide some comments in response including handling complaints.