



Final Position Statement of Luton Borough Council

Application by Luton Rising to extend London
Luton Airport

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SoS Ref: TR020001

HA Ref: 20040643

Date: 8 February 2024



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1 Introduction

- 1.1 This is the Final Position Statement of Luton Borough Council (LBC), the local planning authority for the area in which London Luton Airport is situated.
- 1.2 LBC has worked collaboratively with Central Bedfordshire Council, Dacorum Borough Council, Hertfordshire County Council and North Hertfordshire District Council (together the Host Authorities) since 2018, with the joint working becoming formalised following the non-statutory consultation that took place in March 2019.
- 1.3 The Host Authorities appointed consultants in October 2019 to assist in reviewing Luton Rising's (the Applicant) proposals at the stage when the first statutory consultation was undertaken for this Nationally Significant Infrastructure Project (the Preliminary Environmental Impact Report [PEIR]). The consultants also assessed the second PEIR following a further statutory consultation in February 2022, and assisted the Host Authorities after the submission of the application for Development Consent to the Planning Inspectorate (PINS) in February 2023.
- 1.4 The Host Authorities have also worked constructively with the Applicant in the time leading up to the submission of the application, and subsequently during the examination.
- 1.5 LBC has sought to resolve issues and narrow down the areas of disagreement with the Applicant in order to assist the Examining Authority (ExA). This has been a positive process with significant progress made in terms of the Principal Areas of Disagreement (PADSS **[REP8-060]**) and the Statement of Common Ground (SoCG **[REP6-027]**). An updated PADSS is being submitted at Deadline 11 to reflect the revised numbering used in the SoCG, and the final SoCG will also be issued.

2 Engagement


- 2.1 LBC has fully engaged with the ExA during the course of the six-month examination, not only through the submission of relevant documents at each deadline, but also through involvement in the Issue Specific Hearings and responses to the ExAs questions. The examination has helped to address many of the issues that LBC had raised at the outset, and the ExA will see


from our PADSS that there are few outstanding matters, whilst 78% of the items in the SoCG have been agreed, and of the 14 that have not been agreed, most of them could be considered minor in nature.

- 2.2 LBC's Relevant Representations **[RR-0876]** outlined the main issues that the Council believed should be considered during the examination, namely:
- i. Socio-economic;
 - ii. Surface access;
 - iii. Noise;
 - iv. Climate change;
 - v. Air quality;
 - vi. Public health and wellbeing; and
 - vii. Mitigation measures.
- 2.3 We noted that there were other areas that the Applicant had identified in its submission documents, but that they had either been addressed by the Applicant with appropriate mitigation, or were of lesser importance to LBC.
- 2.4 Our Written Representations **[REP1-098]** recognised the importance of direct and indirect employment and the socio-economic benefit to the local and regional economy that would arise from the proposed expansion, whilst being aware of the negative environmental impacts that would need to be addressed and mitigated appropriately. LBC expanded upon this through the submission of its Local Impact Report **[REP1A-004]**.
- 2.5 The Local Impact Report considered a number of topics that LBC considered relevant to the proposed development. The relevant policies from the Local Plan were highlighted in relation to these topics, though it was noted that the Local Plan covered the period 2011-2031, whilst the Proposed Development was to be delivered beyond the plan period.

3 Principle of development

- 3.1 Government aviation policy is very clear in its support for airport growth and the importance of aviation to the national economy. A key theme in Government policy is that airports should make best use of their existing runways. This is expressed in the 2013 Aviation Policy Framework (APF paragraph 1.60), the 2018 policy document Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (MBU paragraph 1.29),

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- the 2018 Green Paper Aviation 2050: The Future of UK Aviation (ANPS paragraphs 1.2, 1.3 and 1.21), and the 2018 Airports National Policy Statement (paragraph 1.39)
- 3.2 Whilst the Government supports airports making the best use of their existing runways, this is subject to environmental issues being addressed (MBU paragraph 1.6). At the local level these issues include noise, air quality and surface access (MBU paragraphs 1.9 and 1.22), whilst carbon emissions are a matter to be addressed at the national or international level (MBU paragraphs 1.11 and 1.14). The ExA will see from the SoCG that LBC agrees with the Applicant that the Proposed Development complies with Government Policy (SoCG LBC4 and LBC12), subject to a caveat about noise policy (SoCG LBC75).
- 3.3 The LIR also addressed the Applicant's 'need case', which the ANPS recognises will be an important and relevant consideration. The need case had three elements to it, namely: the strategic case for aviation growth (which we have agreed is supported by Government policy); the socio-economic context; and the future demand forecasts and capacity.
- 3.4 The ExA will note that in the SoCG, LBC agrees with the Applicant's methodology for assessing the effects on economics and employment (SoCG LBC155), and the economic benefits that will be derived from the proposed development (SoCG LBC156). Undoubtedly, the expansion will have major socio-economic benefits for Luton and the region as a whole, and LBC considers that significant weight should be given to this aspect. The Section 106 Agreement **[REP9-049]** includes the provisions of the Employment and Training Strategy, as well as the Local Procurement Protocol, which will provide benefits to the local area.
- 3.5 With regard to the third element, the forecasts and capacity, LBC has agreed that the Applicant used an appropriate methodology for the passenger demand forecasts (SoCG LBC13), agrees with the Applicant's assumptions (SoCG LBC14), and agrees that the projections of aircraft movements and fleet are appropriate and reasonable (SoCG LBC16).
- 3.6 The area identified in the SoCG where there is disagreement, is in relation to the capacity forecasts associated with the question of growth at Heathrow and Gatwick (SoCG LBC15). Clearly these is a difference between the Applicant's



aviation forecaster and the Host Authorities' forecaster, though both agree the assumption of an additional runway in the south-east (though none has yet been consented). The disagreement is about the capacity at the other airports and therefore the potential for Luton to see the economic benefits later – though there is obviously the possibility that there will be no new runway in the south-east and so Luton could see faster growth.


3.7 The question about the speed of growth is a matter that the Inspectors at the Stansted public inquiry addressed in their decision letter (APP/C1570/W/20/3256619), and it seems pertinent to this examination:

“30. It remained unclear throughout the Inquiry, despite extensive evidence, why the speed of growth should matter in considering the appeal. If it ultimately takes the airport longer than expected to reach anticipated levels of growth, then the corresponding environmental effects would also take longer to materialise or may reduce due to advances in technology that might occur in the meantime. The likely worst-case scenario assessed in the ES and ESA, and upon which the appeal is being considered, remains just that. Conversely, securing planning permission now would bring benefits associated with providing airline operators, as well as to other prospective investors, with significantly greater certainty regarding their ability to grow at Stansted, secure long-term growth deals and expand route networks, potentially including long haul routes.”

3.8 Overall, LBC considers that the Proposed Development accords with the Government's aviation policy, which supports the growth of the aviation sector, and advocates making best use of existing runways due to the considerable benefit to the UK economy. However, this is subject to environmental issues being addressed.

4 Environmental topics

4.1 In the Council's original PADSS **[AS-059]** submitted in June 2023, before the examination began, LBC identified a number of areas of disagreement with the Applicant. By Deadline 8 (23 January 2024), through the course of the examination and engagement with the Applicant, the vast majority of these had been resolved in the updated PADSS submission **[REP8-060]**.

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- Noise**
- 4.2 Noise is the key area where LBC still has differences with the Applicant, and this is reflected in our SoCG. LBC consider that the starting position for the Applicant should have been using a 2019 ‘condition compliant’ baseline, rather than a 2019 ‘actuals’ baseline. This would have meant that the area covered by, and the population within, the 57dB daytime contour and the 48dB night time contour would have been less than that used by taking the actual noise contours for 2019 when the airport was in breach of the planning condition. LBC recognises that the applicant has carried out a sensitivity test as part of its environmental assessment, however, this is still indicated as an area of disagreement in our PADSS and in SoCG LBC83.
- 4.3 As noted when discussing compliance with national policy in paragraph 3.2 above, LBC does not consider that the Proposed Development complies with Government noise policy (SoCG LBC75), since the noise contours do not reduce over time to below the baseline. Whilst the APF refers to the benefits of future technological improvements being shared with local communities, meaning that “industry should continue to reduce and mitigate noise as airport capacity grows (APF paragraph 3.3).
- 4.4 The Applicant has chosen to interpret ‘sharing the benefits’ in a much broader sense, with reference to MBU, which states 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, such as noise, are mitigated where possible” (MBU paragraph 1.22). As noted with regard to socio-economic matters, undoubtedly there will be significant economic benefits with expansion, however, noise levels are not predicted to decrease materially during the day or decrease at all at night. It may well be that the generation of aircraft that come after the new quieter Airbus Neos and Boeing Maxs will bring further noise reductions, and that could produce benefits, but that is unknown and so could not be modelled.
- 4.5 Within the SoCG there are a number of other noise matters that are marked as not agreed, namely:
- LBC81: Daytime surface access Unacceptable Adverse Effect Level (UAEL) – whilst this is not agreed, it is not in fact material as the lower level

advocated by the Host Authorities does not change the outcome in terms of those affected;

- LBC91: Additional noise control – LBC notes that a couple of the controls from the P19 permission have not been carried forward (the future QC limit reduction and the early morning shoulder period);
- LBC92: Total movement cap as a noise control – the Host Authorities advanced a cap based on what was assessed within the environmental statement, whilst the Applicant advocates a higher limit;
- LBC93: Shoulder period movement cap – the Applicant has proposed a figure, which did not appear to have been tested in the environmental statement; and
- LBC97: GCG thresholds and limits (noise) – the Applicants limits are based on the Faster Growth case rather than the Core Growth case, and consequently are higher.

Surface access

- 4.6 With regard to surface access, there were a number of areas where LBC was concerned in our PADSS which were submitted prior to the examination commencing. However, during the examination, the Applicant has engaged constructively with the Host Authorities, such that there are now no principal areas of disagreement relating to traffic and transport.
- 4.7 LBC, as local highway authority, is satisfied with the modelling that has been carried out to inform the impacts of the Proposed Development upon the local and strategic highway network, and the further modelling that has been undertaken during the course of the examination in relation to accounting for the Covid-19 Pandemic.
- 4.8 Over the course of the examination, the Applicant has provided further information and studies associated with bus, coach and rail travel, together with promoting the Sustainable Transport Fund (STF) **[REP10-039]** and the Transport Related Impacts Monitoring and Mitigation Approach (TRIMMA) **[REP10-036]**.
- 4.9 The improvements to those junctions within Luton, identified in the Transport Assessment, are necessary to ensure that the impact of the Proposed Development does not adversely affect the local highway network. The mechanisms contained within the Green Controlled Growth Framework


[REP10-025], together with proposed Travel Plans, provide LBC with confidence that appropriate controls and reviews will be in place to encourage a mode shift to more accessible forms of transport.

Climate change

- 4.10 As noted in MBU, emissions from aircraft are a global issue and are to be dealt with at the international and national level. The Government has committed to achieve net zero by 2050, and Section 1 of the Climate Change Act 2008 sets a duty on the Secretary of State “to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline.”
- 4.11 LBC’s PADSS were particularly concerned with emissions that the airport could influence. Having previously considered climate change and carbon emissions at the P19 appeal, LBC sought to ensure that the targets and commitments in the Carbon Reduction Plan associated with that permission were at least replicated in the Proposed Development. In particular, there was concern about Scope 3 emissions, over which the airport operator had no direct control, but it would be possible to influence. Such emissions included those of third-party operations on the airport and passenger surface access.
- 4.12 Following discussions with the Applicant, a greater understanding of the suite of measures, such as the Travel Plans, the STF, and the Green Controlled Framework, has developed and, consequently, the SoCG reflects agreement on climate change matters (SoCG LBC150 and LBC151).

Public health and wellbeing

- 4.13 The LIR identified a number of areas where LBC had concerns about the impact of the Proposed Development upon the health and wellbeing of the local population. Indices of deprivation were noted (including levels of unemployment), the impact of noise upon the population, the loss of Prospect House Day and the potential effect of an influx of construction workers on the local housing market. All these are matters that have been discussed in the Issue Specific Hearings or in responses to questions from the ExA.
- 4.14 The measures that the Applicant proposes as part of the Proposed Development should all go towards addressing concerns regarding public health and wellbeing. The creation of jobs and employment will benefit those in the local area, through enhancing self-esteem, providing additional income, and with the ETS equipping employees through training and skills. Elements



of the compensation policies will also address community health and wellbeing, such as the enhanced noise insulation scheme, Community First, which has the potential for significant benefits to the communities around the airport, and those measures secured through the Section 106 agreement (e.g. assessment of need for child-care facilities ahead of the loss of Prospect House Day Nursery).


- 4.15 Within the SoCG all areas relating to community health and wellbeing have been agreed (SoCG LBC112-LBC119).

Other environmental matters

- 4.16 Within the LIR, there were other matters that LBC commented upon, such as: air quality; contamination; biodiversity; water resources; green belt; landscape and visual; and cultural heritage. All these matters have been satisfactorily addressed during the examination.
- 4.17 The addition of ‘specified conditions’ within Article 44 of the DCO addresses the concern that LBC had about conditions falling away when the Proposed Development commences. Thus, the fact that Phase 3 of the Project Curium development has not yet started, and surface water drainage issues are on-going, has been resolved.
- 4.18 The update and provisions of reports covering such matters as odour reporting **[REP10-081]** and gas mitigation measures **[REP7-071]** have addressed issues raised by LBC, as has been the case with updates in relation to air quality monitoring **[REP9-014]** and the Cultural Heritage Monitoring Plan **[REP8-016]**.

5 Overall balance

- 5.1 LBC considers that the Proposed Development is in line with Government aviation policy, which supports airports throughout the UK making best use of their runways, subject to environmental issues being addressed.
- 5.2 The proposal will result in significant socio-economic benefits to the local area and the wider region. The five Host Authorities commissioned economic consultants to review the socio-economic case, with the outcome being that the approach to modelling was assessed as sound, followed best practice and demonstrated that the Proposed Development would have significant benefits for Luton and the three counties **[REP4-189]**. In line with paragraph 85 of the



NPPF, LBC considers that significant weight should be placed on the need to support economic growth and productivity. This is especially important, given the levels of deprivation within Luton, which has been identified as a priority in the Government's 'Levelling Up' agenda, falling within Priority Area 1.

- 5.3 LBC considers that the Applicant has demonstrated sufficient need for the Proposed Development. LBC recognises that there are differences of opinion between forecasters, though both have agreed on the assumption of a new runway at either Heathrow or Gatwick – though, as yet, none has been consented, and Gatwick's proposal has yet to go to examination. The Applicant has modelled three different scenarios, including faster and slower growth scenarios, and ultimately the same question will arise as it did at the Stansted public inquiry: 'why should the speed of growth matter?'
- 5.4 Given the policy presumption for growth, the question then is: have environmental issues been addressed? The Proposed Development was supported by an environmental statement, which has been rigorously tested during the examination. Prior to the commencement of the examination, LBC stated that there were elements of the Proposed Development about which LBC had outstanding issues. It can be seen from the changes in the PADSS from June 2023 through to the final submission in February 2024 that these have predominantly been resolved.
- 5.5 LBC is satisfied with the proposal in terms of air quality, contamination, biodiversity, water resources, climate change and greenhouse gas emissions, surface access, the historic environment, landscape and visual impact, public health and wellbeing, and Green Belt. A significant section of this statement has been given over to noise, so the arguments are not repeated here. Ultimately, it will be a decision for the Secretary of State to decide whether the issue has been satisfactorily addressed and whether noise levels will reduce over time, whether any increase in noise levels is significant, whether the mitigation is sufficient, and weigh the economic benefits against any harm that might be attributed to environmental impacts.
- 5.6 We are grateful for the opportunity to provide this final statement and thank the Examining Authority for conducting this process so efficiently.