

## **The Harpenden Society**

### **Luton Airport 19 mppa planning permission response- Planning application 21/0003/VARCON**

This response is provided by Phil Waters, Chairman, on behalf of near 1,000 members of The Harpenden Society (the Civic Society for the town of Harpenden). The Society seeks to promote the maintenance of and enhancement of the quality of life in the town of Harpenden.

The Harpenden Society **objects** to this planning application **21/00031/VARCON**.

The reasons for our objection are set out below highlighting why planning permission should be refused.

#### **Climate Emergency At Risk**

Luton Borough Council declared a climate emergency in 2020 setting a carbon neutral target of 2040 which is supported by the Luton Local Plan 2011-2031 strategic objective 6 "to reduce...environmental deprivation". Past performance by the airport clearly shows that it is incapable of delivering the environmental benefits it has promised to secure past planning permission. It is not unreasonable therefore to suggest that granting this planning application will increase CO<sub>2</sub> emissions by hundreds of thousands of tonnes as thousands more flights are required as fleet mixes don't change. This will make the Luton Borough Council carbon neutral goal very hollow. The EIA must provide a proper assessment of this risk and planning permission denied when it becomes clear that it conflicts with Luton Borough Council's carbon neutral target.

In addition, the Hertfordshire County Council declared a climate emergency in 2019 and the resulting 'Sustainable Hertfordshire Strategy 2020' set targets of Hertfordshire becoming carbon neutral with clean air for all by 2030. Though we recognise that you need not take into account the Sustainability Strategies of your neighbouring local authorities in considering planning issues nevertheless you must understand the concerns of communities in Hertfordshire such as Harpenden which neighbour the Luton Airport site and for which sustainability is absolutely paramount if planning proposals work against these carbon neutral and clean air for all targets.

#### **Climate Change Policy Breached**

In a similar vein, government policy in response to climate change is evolving rapidly. In the recently published Sixth Carbon Budget (which must be brought into law by June 2021) aviation emissions are targeted to reduce from the currently assumed level of 37MtCO<sub>2</sub>e/yr to 23 MtCO<sub>2</sub>e/yr. Furthermore, whilst some growth in demand is allowed for the vast bulk of this demand will be absorbed by the 3rd runway at Heathrow which, because of a desire to grow other airports outside the South East, will mean there is little or no room for growth at Luton Airport. This risk needs to be addressed in the EIA and planning permission denied when it becomes clear that there is no scope for growth at Luton Airport.

#### **Aviation Policy Ignored**

Aviation policy, as set out in the Aviation Policy Framework, Beyond the Horizon: The Future of UK Aviation, the Airports National Policy Statement and Aviation 2050: The Future of UK Aviation, only permits further growth at UK airports "subject to environmental issues being

addressed” or “supporting growth while tackling environmental impacts”. The clear implication from these policy statements is that environmental impacts should be reduced.

This planning application fails to do that –the key environmental impacts of climate change, principally greenhouse gas emissions, and detriment to human health, especially through additional noise, are forecast to increase. Furthermore, due to the poor forecasting performance of the airport in the past and its reliance in this planning application on data which is either out of date or inherently uncertain, due to the 2020 Covid-19 pandemic, communities are faced with considerable uncertainty about the impact of noise, which is entirely contrary to the principle of providing communities with certainty as set out in the Aviation Policy Framework

### **National Planning Policy Framework (NPPF) Case Missing**

The NPPF requires planners to take into account three interdependent objectives when considering planning applications: economic, social and environmental. The planning application makes no case for any additional economic benefits – all it says is that granting this planning application will enable existing benefits to continue. Elsewhere in the application it states that the airport will recover quickly (as a result of its better performance during the pandemic than other bigger airports)– thus this planning application does not need to be granted as the existing economic benefits will return quickly. Furthermore, this planning application negatively affects local communities from a social and environmental perspective – namely additional pollution, greenhouse gas emissions and significant additional noise.

Thus, under the NPPF this application has no merit and should be refused.

### **Luton Local Plan 2011-2031 Ignored**

A key Luton Local Plan policy is LLP6. Specifically, it states that proposals for development will only be supported where the following criteria are met:

- iii. Are in accordance with an up-to-date Airport Master Plan published by the operators of LLA and adopted by the Borough Council. An updated but limited Airport Master Plan is included in the planning application – it cannot therefore have been adopted by the Council but more to the point it hasn't been adequately consulted upon therefore the views of other interested parties are not taken into account.
- iv. They fully assess the impacts of any increase in Air Traffic Movements on surrounding occupiers and/or local environment (in terms of noise, disturbance, air quality and climate change impacts), and identify appropriate forms of mitigation in the event significant adverse effects are identified.
- v. Achieve further noise reduction, or no material increase in day or night-time noise or otherwise cause excessive noise...in accordance with the Airport Noise Action Plan.
- vi. Include effective noise control, monitoring and management scheme that ensures that current and future operations at the airport are fully in accordance with the policies of this Plan and any planning permission which has been granted.
- vii. Include proposals that will, over time, result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents, occupiers and users of

sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise.

The airport has demonstrably failed to comply with these policy requirements in the past and this application fails to demonstrate that the airport will comply unequivocally with these requirements in the future. All that is offered are the same strategies that have failed in recent years to stop noise breaches (encouraging airlines to change fleet mix and utilise lower noise and emission certified aircraft and putting limits on night-time flights). We have no confidence, therefore, that the airport will comply with any new planning permission and noise levels will exceed not only existing agreed noise levels, as they do already, but will significantly exceed the proposed increased noise levels. Therefore, this planning application should be refused because it does not meet the requirements of LLP6 as it isn't in accordance with an adopted Airport Master Plan and fails to "achieve further noise reduction", doesn't include "an effective noise control, monitoring and management scheme...in accordance with the Airport Noise Action Plan" and won't "result in a significant diminution and betterment of the effect of aircraft operations on the amenity of local residents".

### **Inadequate Environmental Impact Assessment (EIA)**

Paragraph 2.4.1 of the EIA states that the only potential alternative to the Proposed Scheme "was to continue to operate at the 18 mppa cap" and then states that it would not have delivered the "anticipated economic growth". Firstly, nowhere does the planning application refer to "economic growth" therefore the EIA should have considered this alternative fully. Secondly, if economic benefits are anticipated they should be explained and alternative means of achieving them should be considered. Is it because there are no discernible benefits? The airport states that the proposed expansion will not require any changes at the airport bar minor reconfiguration which means that the additional revenues will flow straight through to the bottom line and, of course, out of the UK as the airport operating company is owned by Spanish and Australian investors. This is pure and unadulterated greed on the part of the airport's owners, the very same owners who have profited massively from the over-expansion in the early years of the planning permission, at the expense of residents who have had to put up with excessive noise levels above those freely and legally signed up for. Thirdly, the EIA doesn't consider other economic factors such as the recent confirmation that the 3rd runway can be built at Heathrow airport. This will reduce the scope for growth at other South East airports, including Luton Airport, and needs to be properly assessed, rather than being completely ignored – have such factors been ignored because they don't fit the narrative that Luton Airport has to expand, despite the obvious environmental detriment.

Furthermore, the EIA is inadequate with respect to the conclusions that are drawn in relation to noise.

Paragraph 4.4.9 states "To ensure noise levels decrease year on year the following commitments will be made as part of the Proposed Scheme". It then lists six commitments. However, none of these are new – they form part of the existing Noise Action Plan. They have not been used to successfully keep noise levels within the existing planning permission so will be ineffective in ensuring noise levels decrease in the future.

Furthermore, paragraphs 4.4.10 to 4.4.11 explain the conclusions of various assessment scenarios. For daytime noise the conclusion drawn is that the effect of the Proposed Scheme "would not be significant".

That is a completely inadequate conclusion for two reasons:

- The conclusion is entirely dependent on the accuracy of the modelling assumptions used to predict noise levels, in particular the forecast fleet mix. In this respect, the agency used to prepare the model also prepared the model used in the 2012 planning application where the actual outturn has been considerably worse. Furthermore, it appears that the modelling does not take into account up to date information from airlines (factoring in the damaging effects for fleet modernisation of the pandemic), nor does it provide any worst case and best case comparisons against which to measure the presented outcome (and the degree of risk in relying on this outcome in assessing the application). This is completely inadequate for the purposes of an EIA and the airport should be required to redo this modelling using more up to date fleet mix information and also provide worst and best case comparisons to the chosen scenario so that informed decisions can be made about the potential significance of noise levels.

- Noise is not received as an average but as a distinct and individual “event” lasting up to 90 seconds and at a level far higher than the average. The EIA refers to the N60/N65 contours but there is no analysis of their effect on communities. The EIA should take these into account and is inadequate because this factor, which is very relevant and growing in importance as our understanding of how noise is received increases, has not been properly considered.

For night-time noise the conclusion drawn is that the effect of the Proposed Scheme “would be significant” in all years up to 2027.

The two points above apply here (validity of modelling and experience of noise is not “averaged”) but in addition the mitigation offered is completely inadequate. Providing a strictly limited number of households (1,877 according to the analysis of which 724 are new properties brought into the relevant noise contour due to its unwarranted growth) with insulation only helps them if they keep their windows and doors closed at night, which is difficult in the summer, and completely fails to mitigate the increased noise that will be felt by households just outside the SOAEL. As there will be a significant actual increase in the noise experienced by these latter households this needs to be addressed by the EIA.

The EIA is also inadequate in the way that it addresses and proposes to deal with health. Section 4.5 paints a very sorry picture so far as the health of residents is concerned.

Paragraphs 4.5.9-4.5.16 refer to the short-term health effects as significant or potentially significant for residents between the 51-68 LAeq 16 hr and 45-62 DB LAeq 8 hr contours. This is a very significant number of households who will experience adverse health effects from noise exposure. Mitigation is offered but this, per other references in the EIA, is only available to residents in the SOAEL contours for night-time noise and then the benefit is only available if you are indoors with windows and doors shut. This means that thousands of households will suffer adverse health effects. This very real and damaging outcome is just swotted away – this is especially cruel and shows an airport out of touch with national empathy for mental health. The EIA is completely inadequate as it fails to address this impact appropriately.

In the light of at least these two inadequacies in the EIA, planning permission should be refused.

## **Conclusion**

As the aforementioned analysis makes clear, planning application **21/00031/VARCON** should be refused by Luton Borough Council for the following reasons:

- It conflicts with wider environmental policies that are becoming increasingly important and should be given due weight in the EIA
- It breaches both national aviation and planning policies and local Luton Borough Council planning policies, and
- The EIA is inadequate as it fails to provide a complete, accurate and balanced view of the environmental risks.

The Harpenden Society

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