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NORTH HERTFORDSHIRE DISTRICT COUNCIL

13/06/22

Our Ref	Cabinet/21/06/22
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To: Members of the Cabinet:

Councillor Elizabeth Dennis-Harburg (Chair), Councillor Ruth Brown, Councillor Ian Albert, Councillor Judi Billing MBE, Councillor Keith Hoskins MBE, Councillor Amy Allen, Councillor Steve Jarvis, Councillor Sean Prendergast,

Deputy Executive Members: Councillor Ian Mantle, Councillor Sam North, Councillor Chris Lucas, Councillor Tom Plater, Councillor Tom Tyson, Councillor James Denselow, Councillor Alistair Willoughby)

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE CABINET

to be held in the

COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, LETCHWORTH GARDEN CITY

on

TUESDAY, 21ST JUNE, 2022 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda
Part I

Item		Page
1.	**APOLOGIES FOR ABSENCE**	
2.	**MINUTES - 22 MARCH 2022** To take as read and approve as a true record the minutes of the meeting of the Committee held on the 22 March 2022	(Pages 5 - 12)
3.	**NOTIFICATION OF OTHER BUSINESS** Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	**CHAIR'S ANNOUNCEMENTS** Climate Emergency The Council has declared a climate emergency and is committed to achieving a target of zero carbon emissions by 2030 and helping local people and businesses to reduce their own carbon emissions. A Cabinet Panel on the Environment has been established to engage with local people on matters relating to the climate emergency and advise the council on how to achieve these climate change objectives. A Climate Change Implementation group of councillors and council officers meets regularly to produce plans and monitor progress. Actions taken or currently underway include switching to green energy, incentives for low emission taxis, expanding tree planting and working to cut food waste. In addition the council is a member of the Hertfordshire Climate Change and Sustainability Partnership, working with other councils across Hertfordshire to reduce the county's carbon emissions and climate impact.	

The Council's dedicated webpage on Climate Change includes details of the council's climate change strategy, the work of the Cabinet Panel on the Environment and a monthly briefing on progress.

Declarations of Interest

Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

5. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

6. ITEMS REFERRED FROM OTHER COMMITTEES

Any Items referred from other committees will be circulated as soon as they are available.

7. INFORMATION NOTE: UPDATE ON THE DEMAND FOR ACCOMMODATION AND SUPPORT SERVICES FOR SINGLE HOMELESS PEOPLE (Pages 13 - 16)

INFORMATION NOTE OF THE STRATEGIC HOUSING MANAGER

An update on the demand for accommodation and support services for single homeless people.

8. STRATEGIC PLANNING MATTERS (Pages 17 - 364)

REPORT OF THE SERVICE DIRECTOR - REGULATORY

9. CONSERVATION AREA REVIEWS (Pages 365 - 520)

REPORT OF: SERVICE DIRECTOR - REGULATORY

10. REVENUE BUDGET OUTTURN 2021/22 (Pages 521 - 540)

REPORT OF THE SERVICE DIRECTOR - RESOURCES

To inform Cabinet of the summary position on revenue income and expenditure as at the end of the financial year 2021/22.

11. INVESTMENT STRATEGY (CAPITAL AND TREASURY) END OF YEAR REVIEW 2021/22 (Pages 541 - 570)

REPORT OF THE SERVICE DIRECTOR - RESOURCES

To consider the Investment Strategy (Capital and Treasury) End of Year Outturn Review

12. ANNUAL REPORT ON RISK MANAGEMENT AND QUARTERLY RISK MANAGEMENT UPDATE (Pages 571 - 588)

REPORT OF THE SERVICE DIRECTOR - RESOURCES

13. CARELINE - IN HOUSE SERVICE PROVISION FOR NON COMPLEX INSTALLATION AND MAINTENANCE (Pages 589 -

	REPORT OF THE SERVICE DIRECTOR - CUSTOMERS	592)
14.	**EXCLUSION OF PRESS AND PUBLIC** To consider passing the following resolution: That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following report will involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).	
15.	**CARELINE - IN-HOUSE PROVISION FOR NON-COMPLEX INSTALLATION AND MAINTENANCE** REPORT OF THE SERVICE DIRECTOR – CUSTOMERS	593 - 606
16.	**DEBT WRITE OFF** The report associated with this item will be circulated as a supplementary agenda as soon as it is available.	(To Follow)

NORTH HERTFORDSHIRE DISTRICT COUNCIL

CABINET

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES, GERNON ROAD, LETCHWORTH ON TUESDAY, 22ND MARCH, 2022 AT 7.30 PM

MINUTES

Present: *Councillors: Elizabeth Dennis-Harburg (Chair), Ruth Brown (Vice-Chair), Ian Albert, Amy Allen, Judi Billing and Steve Jarvis.*

In Attendance: *James Lovegrove (Committee, Member and Scrutiny Officer), Nigel Smith (Strategic Planning Manager), Chloe Hipwood (Shared Service Manager – Waste & Recycling), Sarah Kingsley (Service Director - Place) and Andrew Mills (Service Manager - Greenspace)*

Also Present: *At the commencement of the meeting there were no members of the public.*

75 APOLOGIES FOR ABSENCE

Audio recording – 2 minutes 7 seconds

Apologies for absence were received from Councillor Gary Grindal.

Councillor Sam Collins was absent.

76 MINUTES - 25 JANUARY 2022

Audio Recording – 2 minutes 33 seconds

Councillor Elizabeth Dennis-Harburg proposed and Councillor Ruth Brown seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 25 January 2022 be approved as a true record of the proceedings and be signed by the Chair.

77 NOTIFICATION OF OTHER BUSINESS

Audio recording – 3 minutes 13 seconds

There was no other business notified.

78 CHAIR'S ANNOUNCEMENTS

Audio recording – 3 minutes 17 seconds

(1) The Chair advised that, in accordance with Council Policy, the meeting would be audio recorded.

(2) Members were reminded that this Council had declared a Climate Emergency. This was a serious decision and meant that, as this was an emergency, all of us, officers and Members had that in mind as we carried out our various roles and tasks for the benefit of our District.

(3) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

79 PUBLIC PARTICIPATION

Audio recording – 4 minutes 3 seconds

There was no public participation.

80 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – 4 minutes 9 seconds

6a. Referral from Hitchin Area Committee – 1 March 2022 – Potential Town Twinning – Ayensuako, Ghana

Councillor Ian Albert presented the referral and updated Members including:

- This proposal was to begin exploring a further twinning opportunity between Hitchin and Ayensuako in Ghana.
- There were already links between Hitchin and Ayensuako, through the work Humanitas have been doing in schools in the area. A primary school visit was due to take place, but this was delayed due to Covid.
- This was to seek Cabinet's authority for the new twinning scheme, but it would be good to find the original twinning agreements and for these to be publicised.
- This would demonstrate Hitchin, and North Herts, as an outward looking location, especially with Brexit and the situation in Ukraine.
- This work can be improved and extended elsewhere and there could be further benefits to other towns and communities across the district.
- Lots of Twinning committees have aging membership and this could help to develop the Hitchin Town Twinning Association.

Councillor Judi Billing supported the proposals and the comments made that this could help the district be more outward looking. When Hitchin twinned with German towns and regions, these were important emotional links following the war, but these intentions have been lost a little. This is the prime moment to move forward with this and these links and friendships can help stop further division across the continent and the world.

Councillor Ruth Brown agreed with previous comments and the proposals. As part of the Royston Town Twinning Association she had been to all the twinned towns. There is a great benefit from twinning, especially for young people, and helps to promote global understanding.

Councillor Ian Albert proposed and Councillor Judi Billing seconded and, following a vote, it was:

RESOLVED: To authorise further work to be done involving Members, Officers, the local community, and the Hitchin Town Twinning Association.

REASON FOR DECISION: To explore the possibility of twinning Hitchin Town with Ayensuako, Ghana.

6b. Referral from Overview and Scrutiny Committee – 15 March 2022 and Finance, Audit and Risk Committee – 16 March 2022 – Performance Management Measures 2022-23 – Council Delivery Plan

The Chair advised this referral would be taken with Item 7.

6c. Referral from Overview and Scrutiny Committee – 15 March 2022 – Shared Waste Service Governance

The Chair advised this referral would be taken with Item 12.

6d. Referral from Overview and Scrutiny Committee – 15 March 2022 – Greenspace Management Strategy 2022-27

The Chair advised this referral would be taken with Item 10.

81 PERFORMANCE MANAGEMENT MEASURES 22-23 - COUNCIL DELIVERY PLAN

Audio recording – 13 minutes 18 seconds

The Service Director – Resources presented the report entitled 'Performance Management Measures 2022-23 – Council Delivery Plan' and gave updates, including:

- Previous reports have detailed what was hoped to be achieved by the Council Delivery Plan and this was the first of the new reports, with comments from other Committees.
- It details the aims for the coming year and the milestones of projects, especially where projects span more than one year.
- Each project has details of the risks, risk mitigations and performance indicators, which provides the picture in one place as opposed to three separate reports as previously.
- There was a need to keep this report concise, so some of the detail which had previously been provided had been lost.
- Risks which were previously monitored, but no longer will be, are detailed in Appendix B. These would now be monitored at service level.

Councillor Ian Albert commented that he supported the change but it was important for Cabinet to not just rely on the Overview and Scrutiny making referrals on this report, but rather Cabinet take an active role in monitoring the Council Delivery Plan report.

Councillor Elizabeth Dennis-Harburg requested that the report be brought to Cabinet on a quarterly basis, as well as to Overview and Scrutiny, to ensure awareness and scrutiny across all levels.

Councillor Ian Albert proposed and Councillor Elizabeth Dennis-Harburg seconded and, following a vote, it was:

RESOLVED: That Cabinet considered and formally approved the Council Delivery Plan and any associated target, to be monitored throughout 2022/2023 by Overview and Scrutiny Committee.

REASON FOR DECISION: An approved Council Delivery Plan provides the Cabinet with assurance that progress against achievement of the Council Plan objective, will be monitored throughout 2022/23.

82 THIRD QUARTER INVESTMENT STRATEGY (CAPITAL AND TREASURY) REVIEW 2021/22

Audio recording – 18 minutes 12 seconds

Councillor Ian Albert presented the report entitled 'Third Quarter Investment Strategy' and updated Members including the following:

- Some capital projects would not be delivered by the 31 March 2022 and the requests to move some budget into 2022/23 were detailed in the report.
- There had been a breach of the investment strategy during the quarter, which was caused by an IT issue and was resolved quickly, but details of this are in the report.
- Treasury returns remain low.
- Starting to see some increases in interest payments on money held, but this is still less than inflation rates.

Councillor Ian Albert proposed and Councillor Judi Billing seconded and, following a vote, it was:

RESOLVED:

(1) That Cabinet noted the forecast expenditure of £2.424M in 2021/22 on the capital programme, paragraph 8.3 refers.

(2) That Cabinet approved the adjustments to the capital programme for 2021/22 onwards, as a result of the revised timetable of schemes detailed in table 2 and 3, increasing the estimated spend in 2022/23 by £0.821M.

(3) That Cabinet noted the position of the availability of capital resources, as detailed in table 4 paragraph 8.6 and the requirement to keep the capital programme under review for affordability.

(4) That Cabinet noted the position of Treasury Management activity as at the end of December 2021.

REASONS FOR DECISIONS:

(1) Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.

(2) To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

83 THIRD QUARTER REVENUE MONITORING 2021/22

Audio recording – 20 minutes 42 seconds

Councillor Ian Albert presented the report entitled 'Third Quarter Revenue Monitoring 2021/22' and updated Members including:

- Table 3 in the report detailed the main budget variances.
- The forecast impact of Covid 19 was £1.5million, which was after deduction of government sales fees and charges contribution. The un-ringfenced Covid 19 contribution took the overall net impact down to around £1million.
- Regular meetings had been held with Stevenage Leisure Limited and a good partnership had been developed to the benefit of the services.
- There was a forecast increase on the General Fund balance from £8.9 million to around £10 million.
- Officers were working hard to deliver the £150 Council Tax rebate in Bands A to D. The aim was to make these payments in early April where direct debit details are held.
- Communications would be going out regarding this, as well as to inform those without a direct debit set up as to how they access this rebate.

- More detail on the rebate scheme would be given further into April.

Councillor Ian Albert proposed and Councillor Judi Billing seconded and, following a vote, it was:

RESOLVED:

(1) That Cabinet noted this report.

(2) That Cabinet approved the changes to the 2021/22 General Fund budget, as identified in table 3 and paragraph 8.2, a £510k decrease in net expenditure.

(3) That Cabinet approved the changes to the 2022/23 General Fund budget, as identified in table 3 and paragraph 8.2, a total £238k increase in net expenditure.

REASON FOR DECISIONS: Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process

84 GREENSPACE MANAGEMENT STRATEGY 2022-27

Audio recording – 24 minutes 41 seconds

Councillor Steve Jarvis presented the report entitled 'Greenspace Management Strategy 2022-27' and updated Members including:

- This strategy makes several changes to previous versions and there is more emphasis on environmental objectives.
- This strategy detailed the changes which would be made to the management of play areas, where a year by year assessment would take place and significant issues would be addressed, rather than planning works 5 years in advance.
- This strategy sets out how to deal with new greenspaces that will come from new developments. Contributions would be sought from developers for the management of these spaces and agreements would be in place for this to prevent issues occurring again.
- There were a number of associated documents and a series of detailed documents, covering areas such as climate change, biodiversity, allotments and play areas, amongst others.
- An extensive public consultation had taken place, with the responses detailed in the report, and a public document would be collated and presented in a more formal way.
- There was an error on recommendation 2.1, which should refer to Paragraph 7.4, not 7.5.

Councillor Judi Billing requested that when considering new greenspaces local members were consulted by the Service Director and Greenspace Manager.

Councillor Jarvis advised that this would be possible and noted that this had happened with the playground developments in Royston where Members had been consulted. Sometimes this will require more formal consultation with local Members, but often informing them of action would suffice.

Councillor Steve Jarvis proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED:

(1) That Cabinet adopted the Vison, Objectives and Aims for managing Greenspace as detailed at 7.5 below.

(2) That Cabinet reviewed and adopted the Greenspace Management Strategy 2022-27 at Appendix A.

(3) That Cabinet agreed the delegation for creating an Action Plan arising from the GSMS and an annual review of the Action Plan to the Greenspace Manager in consultation with the Executive Member for Environment and Leisure and the Service Director – Place.

REASONS FOR DECISIONS:

(1) These recommendations are put forward to ensure there is an ongoing proactive and pragmatic approach for the future management and maintenance of Greenspace within North Herts for the period April 2022 – March 2027.

(2) Additionally, the GSMS 2022 – 2027 provides the strategic link between the previous Greenspace strategies and the future demands placed upon North Herts Council, specifically; managing the environment and biodiversity, finance and planning while delivering high quality greenspace services to our existing and newly developed infrastructure.

85 KNEBWORTH NEIGHBOURHOOD PLAN

Audio recording – 31 minutes

Councillor Ruth Brown presented the report entitled 'Knebworth Neighbourhood Plan' and updated Members including:

- This report was looking to progress the Neighbourhood Plan in Knebworth to a referendum.
- Consultations had taken place with the Parish Council.
- The examiner had given permission to move to referendum with amendments and some of these were wider ranging that expected.
- This would give a framework for decision making and would put Knebworth in a better position without a Local Plan.

Councillor Ruth Brown proposed and Councillor Judi Billing seconded and, following a vote, it was:

RESOLVED:

(1) That the Examiner's report for the Knebworth Neighbourhood Plan was noted.

(2) That following the inclusion of the Examiner's proposed modifications to the Knebworth Neighbourhood Plan, as set out in Appendix B, it was approved to proceed to a referendum.

(3) That the Counting Officer was instructed to conduct a referendum on the Knebworth Parish Neighbourhood Plan.

(4) That the decision to "make" the Knebworth Neighbourhood Plan was delegated to the Service Director – Regulatory in consultation with the Executive Member for Planning, as previously agreed by Cabinet in July 2018 (Minute 21).

REASON FOR DECISIONS: To progress the Knebworth Neighbourhood Plan, enable a referendum to take place and, if more than 50% of those voting in favour of the Knebworth Neighbourhood Plan to "make" the Knebworth Neighbourhood Plan.

86 SHARED WASTE SERVICE GOVERNANCE

Audio recording – 32 minutes 52 seconds

Councillor Amy Allen presented the report entitled 'Shared Waste Service Governance' and updated Members including:

- The recommendations in the report are to help shape the shared service, to set up a cross-party working group and to look at alternative governance structures.
- This work was to position the service best for the expected changes in coming years to waste collection services.
- There was a change to recommendation 2.3 proposed, which should read 'that the Cabinet agreed to explore all options for the future governance of the Shared Waste Service, with a further report to Cabinet in due course to consider any proposals'.

Councillor Ian Albert commented that in setting up the working group it would enable a wider group of Members to become involved in discussions around the waste service and this would be cross party.

Councillor Amy Allen proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED:

(1) The Cabinet agreed to the new overarching aim of the shared services and principles outlined in 8.10 and 8.12.

(2) That the Cabinet endorsed the formation of a joint cross party working group. The terms of reference for which are outlined in Appendix A and the outline work programme described in 8.19.

(3) That the Cabinet agreed to explore all options for the future governance of the Shared Waste Service, with a further report to Cabinet in due course to consider any proposals.

(4) To establish the Joint Cross Party Working Group prior to the start of the new contract negotiations.

(5) To ensure that relevant Governance and scrutiny processes are in place prior to the start of new contract negotiations.

REASONS FOR DECISIONS:

(1) Waste services are one of the largest services provided to residents in both Councils, a "one service" approach promotes resilience and flexibility ensuring residents and customers receive a high-quality service. The recommendations are being made to enable the further alignment of services, through joint decision making, and consequently the long term efficient and optimal management of the services.

(2) A new aligned governance structure would promote a unified, stable and long-term strategic vision for the shared service and ensures:

- a service that is agile and responsive to changes.
- reduction in customer confusion.
- better engagement/ use of skills/talent and retention of staff and therefore service delivered to customers.
- continuous improvement within the services.
- improved resource visibility and flexibility.

- aligned timeframes and increased speed for decision making.
- greater consistency and stability leading to greater interest and competitiveness from the market.

(3) To identify areas where there may be difficulties or issues faced with the merging of the services in East and North Herts.

87 STRATEGIC PLANNING MATTERS

Audio recording – 36 minutes 28 seconds

Councillor Ruth Brown presented the report entitled 'Strategic Planning Matters' and updated Members including:

- The Local Plan was still outstanding and a letter had been written to the inspectorate by the Executive Member to try and unblock the situation.
- Ashwell Neighbourhood Plan had been agreed at the referendum held on the 3 March 2022.
- There were further consultations taking place on Luton Airport expansion plans and there was a couple of weeks remaining to comment on the second round of consultation.
- The Secretary of State had called in the decision to increase passenger numbers at Luton Airport.
- There was a request to endorse the interim approach of the First Homes scheme.

Councillor Ruth Brown proposed and Councillor Amy Allen seconded and, following a vote, it was:

RESOLVED:

(1) That the report on strategic planning matters was noted.

(2) That the correspondence and information in Appendices A to C were noted and endorsed by Cabinet.

(3) That the interim approach to First Homes set out in paragraphs 8.31 to 8.35 was endorsed.

REASON FOR DECISIONS: To keep Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

The meeting closed at 8.12 pm

Chair

CABINET
21 JUNE 2022

***PART 1 – PUBLIC DOCUMENT**

UPDATE ON THE DEMAND FOR ACCOMMODATION AND SUPPORT SERVICES FOR SINGLE HOMELESS PEOPLE

INFORMATION NOTE OF THE STRATEGIC HOUSING MANAGER (ACTING UNDER DELEGATED AUTHORITY IN THE ABSENCE OF THE SERVICE DIRECTOR OF REGULATORY SERVICES)

EXECUTIVE MEMBER: CLLR SEAN PRENDERGAST, THE EXECUTIVE MEMBER FOR HOUSING AND ENVIRONMENTAL HEALTH

PRIORITY: PEOPLE FIRST

1. SUMMARY

1.1 To provide Cabinet Members with an update on the local demand for accommodation and support services for single homeless people, which has risen significantly since the start of the pandemic.

2. STEPS TO DATE

2.1 This update has been requested by Cllr Sean Prendergast, the Executive Member for Housing and Environmental Health

3. INFORMATION TO NOTE

Covid-19 impact

3.1 The Council, as a local housing authority, has duties contained within homelessness legislation to provide advice and support to households who are homeless or threatened with homelessness and to provide accommodation for specific groups of homeless households. Although the Council no longer owns any housing stock, under the ‘interim accommodation duty’, the Council must provide emergency accommodation for households approaching as homeless and who may be in ‘priority need’ – primarily families and vulnerable individuals.

3.2 The Covid-19 pandemic dramatically changed this prevailing landscape, with the government issuing its ‘Everyone In’ directive in March 2020. This required local authorities to provide emergency accommodation with immediate effect, for all those sleeping rough in their areas including those at risk of sleeping rough. This effectively extended the existing interim accommodation duty to include a whole new cohort of single homeless people (and some couples too).

3.3 The Council has provided emergency accommodation in line with ‘Everyone In’ for almost 200 people since the start of the pandemic, many of whom had multiple placements over this period (this was in addition to priority need households accommodated in line with usual duties). The vast majority of these have been single people, and most were at risk of rough sleeping rather than physically living on the street. Large numbers were placed in local hotels initially due to a lack of capacity in purpose built temporary accommodation which is also largely family housing and not

suitable for single people. Shared hostel accommodation was deemed to be unsuitable in this public health emergency.

Demand for temporary accommodation

3.4 The additional demand from Covid-19, on top of the Council's usual duties towards homeless families and other households in priority need, has placed exceptional pressure on temporary accommodation (TA) over the past two years. The table below illustrates the impact of the pandemic at the end of 2019/20, when numbers in TA started to rise, fuelled by a significant increase in single people being accommodated through 'Everyone In'. Hotel usage also rose substantially as a result, with a corresponding financial impact as these placements are Council funded. Over the last two financial years, hotel bookings have cost the Council in excess of £400k.

Households in temporary accommodation (snapshots at year end)

	31/3/19	31/3/20	31/3/21	31/3/22	08/06/22
Total households in TA at year end	85	93	136	104	106
Of which:					
single households	15	33	72	46	47
hotel placements	4	19	58	15	16

3.5 Although remaining Covid-19 restrictions have now been removed in England, numbers of single people in TA and hotel usage remain exceptionally high compared to pre-pandemic levels. This is likely a result of single homeless people engaging more fully with Council and other services now as a result of the 'Everyone In' directive whereas previously they may not have done, given the limited duties owed to single people. Future demand is likely to remain high with additional pressures arising from the current cost of living crisis and the ongoing and increasing challenge of sourcing affordable accommodation in the private rented sector locally.

Single homeless households

3.6 The pandemic revealed a large, previously hidden cohort of single people in the district who are living unstable, often chaotic lives. Many are moving in and out of informal accommodation arrangements including enduring spells of 'sofa surfing' with friends or relatives or periods of rough sleeping. The Council placed over 150 single households into temporary accommodation over 2021/22, the majority approaching from unsettled accommodation arrangements. Almost one-third were of no fixed abode, whilst 13% were sleeping rough and a further 8% were homeless on departure from prison or hospital. 10% had been living in temporary or supported accommodation, highlighting a core of clients who have repeatedly lost placements made for them by the Council due to challenging behaviours and unmet support needs.

3.7 Support needs amongst this cohort are extremely high. Of the single households placed in TA over the past year, 80% had at least one identified support need with over 60% having two or more. Poor mental health was by far the most common, with over half of households reporting this. Almost one-third had poor physical health, with a similar proportion being at risk of or having experienced some form of abuse, including domestic abuse. Alcohol and/or drug dependency was also prevalent (23% of households) whilst 18% had an offending history. Over one-third of households had a history of repeat homelessness or rough sleeping, again reflecting the instability of individuals' lives and entrenched, unmet support needs.

The single homeless pathway

3.8 The Council and its partners has begun to develop an integrated and sustainable pathway of accommodation and support services for single homeless people, including those with the most complex needs. New support-based accommodation services have been brought online in conjunction with local partners due to the demand levels outlined earlier and also as the Sanctuary hostel in Hitchin (which is male only) had to scale down its occupancy overnight due to its dormitory nature and the public health risks posed by the pandemic. All clients on the pathway are supported on-site and assisted to access specialist external support, ensuring that housing, health and social care, criminal justice departments and other local services are brought together in a targeted way. The Council has additionally worked with Hertfordshire CC; as part of their approach to supporting people with complex needs, they have funded a new outreach support service for clients with mental health and substance dependency issues in each of the 10 district/boroughs.

3.9 The government is seeking to end rough sleeping by 2024 and much of this additional accommodation capacity has been funded following successful Council bids to government homelessness schemes; a further bid was submitted to the Rough Sleeping Initiative 5 round, with the outcome of this currently embargoed until further notice.

3.10 The pathway however remains significantly oversubscribed as evidenced by continuing high hotel use and there are gaps in provision for some groups including women and those with the most complex support needs. There is also uncertainty around the development of the planned new 40-unit hostel at Protea Way in Letchworth. This gained planning approval in February 2021, however a significant increase in construction costs has forced the housing provider, Haven First, to consider alternative delivery routes. Haven First have made it clear however that the development at Protea Way remains the key objective of their Board of Trustees.

4. NEXT STEPS

4.1 A report will be produced for the next Cabinet meeting on 13 September 2022, with proposals for the allocation of government grants for homelessness services to secure support and accommodation options for single homeless people for 2022/23 and beyond.

5. APPENDICES

5.1 None.

6. CONTACT OFFICERS

6.1 Martin Lawrence, Strategic Housing Manager, martin.lawrence@north-herts.gov.uk, 01462 474250

7. BACKGROUND PAPERS

7.1 Letter to local authorities from Minister for Rough Sleeping and Housing: Annual rough sleeping snapshot statistics 2021 and our vision to end rough sleeping - GOV.UK (www.gov.uk)

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CABINET
21 June 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: STRATEGIC PLANNING MATTERS

REPORT OF: *SERVICE DIRECTOR - REGULATORY*

EXECUTIVE MEMBER: *EXECUTIVE MEMBER FOR PLANNING & TRANSPORT*

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

1.1 This report identifies the latest position on key planning and transport issues affecting the District.

2. RECOMMENDATIONS

2.1. That the report on strategic planning matters be noted.

2.2. That the correspondence and information in Appendices A to E are noted and endorsed by Cabinet.

3. REASONS FOR RECOMMENDATIONS

3.1. To keep Cabinet informed of recent developments on strategic planning matters and progress on the North Hertfordshire Local Plan.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. The Executive Member and Deputy have been briefed on the relevant matters in this report. The Strategic Sites and Masterplanning Project Board meets monthly to guide and monitor progress on major development sites proposed in the District. More information is contained in the report.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan..

7. BACKGROUND

7.1. Members will be aware of, and familiar with, many of the issues surrounding the strategic planning matters referred to in paragraph 1.1 above. This report is intended to provide Members with the current positions on these matters. As with previous reports, only those matters where there has been substantive new information or change are reported upon.

8. RELEVANT CONSIDERATIONS

Other Plans and Examinations

8.1. North Hertfordshire has eight neighbouring local authorities in Bedfordshire, Cambridgeshire, Essex and Hertfordshire. Officers monitor progress on the local plans for these and other relevant areas and, in consultation with the Executive Member and Deputy, make representations at key stages.

8.2. A number of authorities' plans are (relatively) recently adopted or at early stages of investigation and preparation so there is only limited formal activity at present.

8.3. **Welwyn Hatfield** – The Inspector has provided the Council with a revised deadline of 8 July 2022 to identify sufficient sites to meet housing need over the period to 2032 or 2033. This is subject to the Council providing robust evidence demonstrating that this approach would provide and maintain a five-year land supply over that period and providing a commitment to review and update of the Plan to identify additional supply for the period thereafter. In the alternate, the plan should be withdrawn.

North Hertfordshire Local Plan

8.4. The Council is still awaiting the publication of the Inspector's report into the new Local Plan. In his most recent update, the Inspector advised that his draft report had been passed to the Department for Levelling Up, Housing and Communities (DLUHC) following an internal quality assurance process. This is a requirement for all draft reports. It will then be sent to the Council on a confidential basis for fact checking prior to publication of the final report.

Strategic Sites & Masterplanning

8.5. The Strategic Sites and Masterplanning Project Board, which includes representation from each political group, meets monthly to guide the implementation of strategic and significant housing sites. A masterplanning area has been set up on the Council website to provide further information.

8.6. The Project Board has agreed guidance on the approval processes for masterplans, a protocol for the use of Design Review and a high-level set of sustainability principles to guide new schemes. These are attached as appendices A, B and C to this report for endorsement by Cabinet.

8.7. Pre-application masterplans are prepared under Planning Performance Agreements between the Council, its representatives and the landowner teams. Engagement with key stakeholders and public consultation on draft masterplan proposals is expected during 2022.

8.8. Other masterplans are being progressed through current planning applications lodged with the Council. Any masterplan documents produced in this way will be made available as part of the relevant planning application file which can be viewed on line. Once the whole application is ready for determination, these will be presented to the Planning Control Committee.

Neighbourhood Plans

8.9. A referendum on the Knebworth Neighbourhood Plan was held alongside May's local elections. The result of the referendum was 1449 votes in favour of the neighbourhood plan (84%) and 243 votes against (14%). Following the referendum, the neighbourhood plan was formally "made" under delegated powers.

8.10. The Knebworth Neighbourhood Plan now forms part of the statutory Development Plan for the Parish and will be used in relevant planning reports and decisions.

Hertfordshire Growth Board (HGB) and North-East-Central (NEC) Hertfordshire

8.11. The agenda items for the June 2022 HGB meeting are available from the Growth Board website including items on the work programme of the Board and its subsidiaries and an investment strategy.

Government announcements

8.12. The Government's Levelling Up & Regeneration Bill was introduced to Parliament in May 2022. This builds upon the White Paper published in February 2022 and reported to Cabinet in March. The Bill may change as it proceeds through Parliament. A number of the provisions in the draft Bill are subject to further development or will be fleshed out by subsequent regulations. However, key strategic planning contents at this stage include:

- A legal requirement for all authorities to produce a design code for their area;
- The inclusion of a new Infrastructure Levy to be prepared locally by individual authorities. The existing system of s106 legal agreements will be kept in some form for the largest sites but the detail of this is yet to be provided;
- Constraining local plans to locally specific matters with general Development Management policies that apply in most areas (such as protection of heritage) to be set nationally;

- The ability to create ‘supplementary plans’ with a simplified examination and approval process compared to local plans;
- A new “neighbourhood priorities statement” as a simpler alternate to neighbourhood plans for local communities; and
- The replacement of the statutory Duty to Cooperate between local authorities

8.13. The progress of the Bill through Parliament will be monitored and Members will be advised of any key implications for documents that the Council intends to produce.

8.14. Amendments the Building Regulations took effect on this month. These govern energy performance and efficiency, overheating / shading and electric vehicle charging. Under the new regulations, all new homes must produce 31% less CO^2 emissions compared to the previous regulations.

8.15. To pass the requirements, most new homes will need either heat pumps or gas boilers paired with renewable energy generation such as solar panels. Some homes may also require additional insulation.

8.16. The new regulations will apply to each single new development plot commenced from June 2023. Allowing for the time lag between the granting of planning permission and implementation, the new requirements will capture the significant majority of planned new homes in the District that don’t already benefit from some form of planning permission. This includes all of the planned strategic sites in the new Local Plan as well as the latter stages of some sites with existing permissions.

8.17. The new regulations may have some implications for the design of new sites at the planning stage.

Other transport, planning and infrastructure matters

8.18. **Proposed expansion for London Luton Airport** – London Luton Airport Ltd, rebranded as Luton Rising (LR), undertook the second round of statutory consultation for eight weeks from 8 February to 4 April 2022 prior to submission to the Planning Inspectorate later this year of a Development Consent Order (DCO) for the proposed expansion.

8.19. North Herts Council, together with the Host authorities (the others being Central Bedfordshire, Luton and Hertfordshire County Council), appointed consultants to prepare and submit a detailed response on their behalf. Officers also prepared and submitted a separate response on behalf of the Council. A copy of the North Herts response is appended at Appendix D.

8.20. **Luton Airport S73 19mppa Application** – As previously reported, the Council commissioned consultants to prepare a response on behalf of the Council to the London Luton Airport S73 proposed planning conditions amendment to allow for an increase from 18 to 19 million passengers per annum. The application was called in by the Secretary of State (SoS) for Levelling Up, Housing and Communities predominantly on noise grounds.

8.21. The SoS has now arranged for a Public Inquiry to take place in September. Following agreement with Exec Members and Deputy it was agreed to appoint consultants to prepare and submit a joint written representation to the Public Inquiry with Herts County Council, Dacorum and St.Albans. A copy of the written rep is attached at Appendix E.

8.22. **GTP (North Central Growth and Transport Plan)** – HCC Highways & Transport Cabinet Panel reviewed the final draft of this plan on 25 May and recommended it go forward to HCC Cabinet for adoption. That is expected to be on 20 June. HCC has addressed NHC officers' concerns about an earlier draft, which were discussed with NHC Exec Members at the time.

8.23. The principal concern related to the inclusion of 'strategic' road interventions around Baldock, for which officers felt there was insufficient evidence at this time. The final wording is:

SM103a *Baldock Multimodal Link Road North: The new road bridge over the railway, linking Bygrave/Ashwell Road and the B656 at the A505 interchange, to be delivered as part of Local Plan site allocation BA1, will be specified to enable it to serve a strategic function. Any proposed extension of this link to the A507 as a strategic route (relief road) will be evidenced and tested as part of masterplanning the BA1 strategic site allocation.*

SM103b *Baldock Multimodal Link Road South: New access links to the southern development sites (BA2, BA3, BA4) incorporating high-quality cycle infrastructure.*

8.24. **LCWIP (Local Cycling and Walking Infrastructure Plan)** – The draft plan is being finalised to for public consultation, following detailed review by HCC and NHC officers. It is expected that the consultation will run for six weeks over the summer. In combination with the GTP, North Herts will have a large array of schemes to develop and deliver as and when funding becomes available – from central government and Section 106 agreements with developers.

8.25. **Sustainable Travel Towns (STT)** – The Officer Working Groups (OWGs) for the Letchworth and Royston STTs are preparing a draft governance framework for each STT. These will be discussed with the Exec Member and Deputy before going through a sign-off process. Once adopted, the OWGs will develop an implementation plan based on the Outline Plans. Although a small amount of funding has been identified for delivery of the plan, substantially more funding will be required for the infrastructure elements of the plan.

8.26. **HertsLynx** – this demand-responsive bus service for north and east Hertfordshire continues to grow in popularity. The three minibuses currently in service have completed over 10,000 trips. 25% of all passengers are students using the service to access school/college. The chart below shows how far ahead people book.

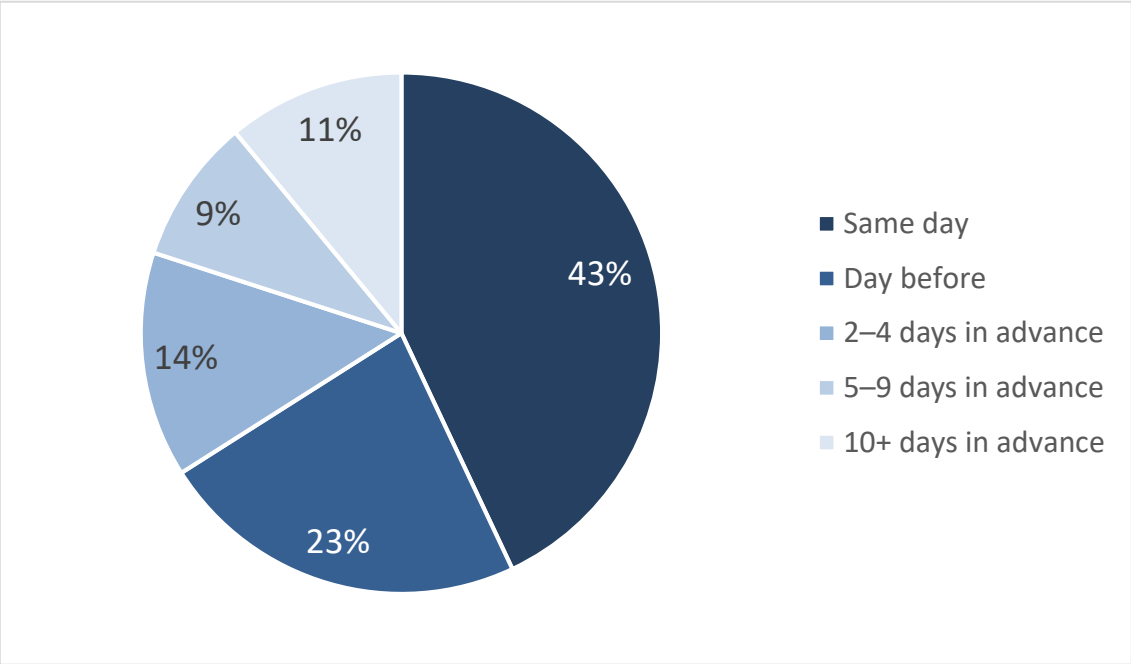

Figure 1: How far ahead people book HertsLynx trips

8.27. A six-month review of the service will be available in July, after HCC Cabinet have had sight of it.

8.28. Two additional buses are planned to join the fleet in September 2022, one fully electric. This will allow a small expansion in coverage to Hertford and Ware, a late-night service on Fridays and Saturdays, and enhanced availability for same-day bookings.

8.29. Funding from the Department for Transport Rural Mobility Fund is secure for three years from September 2021. If and when confirmed, some of the grant for Hertfordshire's Bus Service Improvement Plan (BSIP) will be allocated to HertsLynx. Follow-on funding will need to be identified to ensure the service can continue beyond September 2024.

8.30. **County-wide Electric Vehicle (EV) Charging Strategy** – HCC has provided NHC with access to the EV Ready Toolkit. This mapping application is helping officers identify where EV chargepoints will be needed in order to serve households that do not have off-street parking, and hence will be unable to charge an EV at home. HCC is consulting with local authorities on guidance and conditions on providing on-street chargepoints. This aligns with HCC's central policy of preferring to site chargepoints at destinations (workplaces, supermarkets, leisure centres, etc) and hubs (car parks, fuel stations and dedicated charging stations) rather than on-street.

8.31. **EV chargepoints in North Herts car parks** – Officers are preparing a Further Competition tender document using the KCS Procurement Services framework (managed by a company wholly owned by Kent County Council). The tender will be structured around a core agreement to deliver new EV chargepoints in car parks in Letchworth (Hillshot), Hitchin (Bancroft Recreation, Woodside and Portmill East/West), Baldock (Twitchell), and Royston (The Warren), conditional on a successful bid for Office for Zero Emission

Vehicles funding. The supplier will be expected to provide the 40% funding to match the 60% covered by the grant.

8.32. Bidders will also be asked to provide costs for upgrading or replacing the existing EV chargepoints (currently managed by GeniePoint), and to install new chargepoints at other car parks. As these are unlikely to qualify for OZEV funding, they will need to be funded by the operator, possibly with a contribution from NHC.

9. LEGAL IMPLICATIONS

9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, applications for, approval/designation, consultation/referendums revocations (or recommend revocation) of neighbourhood plans and orders, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).

9.2. The preparation of statutory plans is guided by a range of acts and associated regulations including the Planning and Compulsory Purchase Act 2004 (as amended) and the Localism Act 2011. All local planning authorities are bound by a statutory Duty to Co-operate on cross-border planner matters.

9.3. The setting of discretionary fees and charges for planning services are delegated to the Service Director: Regulatory in consultation with the Executive Member for Planning.

10. FINANCIAL IMPLICATIONS

10.1. The costs of preparing the Local Plan have been reviewed on a regular basis and are reported through the quarterly revenue monitoring reports to Cabinet.

10.2. The general costs of preparing other planning documents, responding to consultations on neighbouring authorities' Plans, neighbourhood plans and Government consultations and the other activities identified in this report are met through existing revenue budgets or benefit from external funding or other arrangements to recover costs.

10.3. The report refers to Planning Performance Agreements. Although these represent a new process and income stream, they do not necessarily represent additional monies to the Council at this stage. Prior to the introduction of masterplanning requirements, the negotiation of significant planning applications would have taken place under the Council's charged pre-application advice service and / or through the planning application. This will continue to be the case in some instances. Planning application fees are set nationally. The Council sets local income targets for pre-application advice and planning applications to inform budgeting and budget monitoring.

10.4. Income from PPAs will, in the short term at least, reflect a displacement of potential income from the above. Officers will monitor anticipated and actual PPA income and the relationship between PPA, pre-application and planning application income and reflect this as required in budget monitoring and / or targets during 2022/23. PPA income may be used to offset any shortfalls in the other income streams.

11. RISK IMPLICATIONS

11.1. The Council has changed how it sets and monitors risks, as reported to Cabinet in March 2022. This will see a shift to strategic risks based on key projects such as the Local Plan and masterplanning.

11.2. An initial review of the existing risks for planning and development has been undertaken. It was concluded that it was best to revisit these risks once the Inspector's report has been received and / or any final decision on adoption of the new Local Plan has been taken. Reviews will also reflect the new approach to setting and monitoring Corporate Risks.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. There are not considered to be any direct equality issues arising from this report. Future individual schemes or considerations may well be subject to appropriate review to ensure they comply with latest equality legislative need. Any risks and opportunities identified will also be subject to assessment for impact on those that share a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. A number of the schemes noted at section 8 will have considerable impact on the environment as they come to fruition. As many of these are in draft/early stages of development, it would be prudent to make an assessment the implications as they progress, particularly where they are not subject to their own statutory requirements for environmental assessment.

15. HUMAN RESOURCE IMPLICATIONS

15.1. The approved budget for 2022/23 includes funding for additional posts in the planning service. Two posts have been successfully advertised and recruited to, one each in the Strategic Planning and Development Management teams. However, recruitment to a further post in Development Management at the same time was unsuccessful.

16. APPENDICES

16.1. Appendix A – Strategic Sites & Masterplanning Project Board: Masterplan approval process

16.2. Appendix B – Strategic Sites & Masterplanning Project Board: Sustainability Principles

16.3. Appendix C – Strategic Sites & Masterplanning Project Board: Design Review Protocol

16.4. Appendix D – NHDC Response to Luton Airport Expansion Stat Consultation

16.5 Appendix E – Joint Written Rep to Luton Airport S73 19mppa Public enquiry.

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18. BACKGROUND PAPERS

18.1 None

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1.1 Policy SP9 requires Strategic Masterplans to be 'agreed' by the Council. The purpose of this paper is to clarify what this approval process will be in practice. This will provide the necessary clarity to landowners and developers, officers and members. This note should be read alongside the requirements of Policy SP9, the Council's masterplanning guidance and the Terms of Reference of the Strategic Sites and Masterplanning Project Board.

1.2 There is no statutorily set definition of a 'masterplan'. However, any future approval of Policy SP9 will provide a clear policy definition within the Council's statutory Development Plan of what is expected within a masterplan and the design outcomes that should be achieved. Masterplans will generally be produced by the landowner / (prospective) applicant.

1.3 It is important to note that the Council will continue to exercise its statutory function as local planning authority through the existing decision-making routes and structures of the Council but with the added benefits of:

- Clear reporting and recommendations from the Strategic Sites and Masterplanning Project Board ("the Board") via the Lead Officer; and
- Formal approval by Cabinet and Full Council where a masterplan is adopted as a material consideration in advance of the determination of the relevant planning application(s).

1.4 Large-scale development will have a significant impact on the communities they are located in so it is important that the Council, communities and stakeholders are involved in the masterplan process so they can meaningfully shape the planning and design outcomes.

1.5 The consideration and approval of Strategic Masterplans will not prejudge the consideration of planning matters at planning application stage. The Strategic Masterplan is a requirement of the Council set out in Policy SP9 of the local plan.

1.6 Any approved Strategic Masterplan will be a material consideration in the assessment and determination of any future planning applications at both officer level and at planning committee that would demonstrate how the policy requirement of Policy SP9 has been met. Masterplans will not normally be adopted as Supplementary Planning Documents (SPDs) unless agreed.

1.7 Policy SP9 variously requires the following

The Council require Strategic Masterplans to be produced for Strategic Housing Sites and significant development by the landowner/applicant in collaboration

with the Council and subject to consultation with key stakeholders and the community.

To ensure sites are comprehensively planned and delivered planning applications should be preceded by and consistent with a Strategic Masterplan agreed by the Council. Where applications have already been submitted to the Council a Strategic Masterplan should be agreed with the Council prior to or as part of the grant of planning permission.

In some circumstances a Strategic Masterplan may also be required to consider the cumulative impact of more than one site to support a co-ordinated and integrated approach to place-making and design

Strategic Masterplan requirements

1.8 There are differing masterplanning requirements for Strategic Housing Sites and significant development.

1.9 **Strategic Housing Sites** should meet the technical and design evidence base and documentation requirements of Policy SP9(d) **in full**. Additionally, each of the six Strategic Housing Sites have a site-specific policy (SP14-SP19) which requires a comprehensive and deliverable masterplan to be produced for the **entire allocation.** Any planning application/s should be preceded by and consistent with an agreed Strategic Masterplan.

1.10 Other **significant development**[1] should meet the technical and design evidence base and documentation requirements of Policy SP9(d) in a proportionate manner reflecting the size of the scheme(s) and the issues to be addressed. This will be determined on a case-by-case basis.

1.11 The approach to 'cumulative impact' masterplans will be determined having regard to the above requirements and the sites to be masterplanned in this way.

Approaches to approving masterplans

1.12 To ensure qualifying sites are comprehensively planned and delivered, the Council will seek the preparation of Strategic Masterplans in advance of any planning application in full accordance with Policy SP9 and the Masterplan Guidance. This is the Council's clearly preferred approach as it is more likely to achieve a better quality of design process and masterplans as well as the early resolution of technical and design issues and engagement with stakeholders.

1.13 However, it is for an applicant to decide when to submit any planning application on any land and (subject to validation requirements) what documentation is submitted to support that application. The Council cannot require that an

[1] Generally comprising residential development above 100 dwellings

application is submitted at any particular time, refuse to entertain an otherwise valid application or recommend refusal on a point of process[2]. A planning application for strategic or significant development without a pre-agreed masterplan might be submitted following a failure to agree a pre-application masterplan or without having engaged with the pre-application process.

1.14 Balancing this, and the need to facilitate timely delivery of much-needed housing, Policy SP9 therefore also allows for its requirements to be met by agreeing a Strategic Masterplan following the submission of a planning application and securing this either prior to or as part of the grant of planning permission.

1.15 Agreement of a Strategic Masterplan "…as **part of** the grant of planning permission…" will normally only be appropriate where:

- The application boundary is contiguous with (or otherwise covers the entirety of) the relevant Local Plan allocation boundaries; and /or
- It has been agreed that the application boundary is also the most appropriate Strategic Masterplan boundary.

1.16 On Strategic Housing Sites, an allocation-wide Strategic Masterplan should not be agreed as part of the grant of planning permission if the planning application boundary does not include the whole of the relevant allocation(s). In this situation a Strategic Masterplan for the entire allocation should be agreed with the Council **prior to** the grant of any planning permission.

1.17 Another scenario where a Strategic Masterplan should not be agreed as part of the grant of planning permission is where a Strategic Masterplan is required to consider the cumulative impact of more than one site and / or take an area-based approach extending beyond the application boundary to support a co-ordinated and integrated approach to place-making and design. In these situations a Strategic Masterplan for the relevant geographical area /sites should be agreed with the Council **prior to** the grant of any planning permission.

Strategic Masterplans approved pre-application or prior to the grant of planning permission

1.18 These will be prepared through project-specific groups in consultation with planning officers and relevant stakeholders. The Board will consider these as per the Board's Terms of Reference.

1.19 In the event

- Cabinet resolves not to recommend the approval of a Strategic Masterplan to Full Council; or

[2] Any recommendation must be based upon an objective, professional assessment of the planning merits and planning harms of any scheme.

- Full Council resolves not to approve any recommended Strategic Masterplan following its reporting from Project Board / Cabinet

then the reasons for this decision will be documented in the meeting minutes.

1.20 The Project Board would then seek to continue to work with the landowner/developer to resolve any outstanding issues, address concerns and (re-)present any revised masterplan.

Strategic Masterplans approved as part of the grant of planning permission

1.21 Planning applications are subject to their own prescribed statutory processes, requirements and decision-making and approval processes (ultimately through Planning Control Committee). Unlike a pre-submission or pre-approval SP9 Strategic Masterplan, any masterplan approved through this route will therefore not be formally approved by Full Council prior to the application being determined[3].

1.22 The Strategic Masterplan in these instances will be part of the planning application approval documentation and/or planning conditions and subject to formal assessment by the nominated case officer informed by responses from other local authority officers, statutory consultees, stakeholders and the community to inform their professional recommendation to Planning Control Committee.

1.23 In this respect formal 'agreement' will be achieved through any positive decision by Planning Control Committee on any relevant application(s). This will require the case officer to assess any material submitted to inform their professional recommendation (in terms of meeting the requirements of SP9 and the masterplan documentation requested).

1.24 The assessment of the masterplan will form one part of a rounded consideration of application against the Development Plan and any relevant material considerations[4]. Any planning harm arising from any non-compliance with Policy SP9 will be weighed in the planning balance against all other relevant factors and will not necessarily be determinative.

1.25 Progress upon, and material associated with Strategic Masterplans that will be approved as part of the grant of planning permission will be presented to the Board for information and on an advisory basis only.

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[3] It may be appropriate to seek approval of a masterplan by Full Council *following* its consideration by Planning Committee to ensure it can be used as a material consideration for any future proposals that are not bound by the original permission (e.g. a replacement outline or full application on whole or part of the site).

[4] As required by Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004

Why Design Review?

1. High quality planning and design is strongly encouraged in North Hertfordshire to protect and enhance the district's townscape, landscape, environmental and heritage value and create sustainable places.

2. Design Review is a tried and tested method of promoting good design and is a cost-effective and efficient way to improve quality. It can support a collaborative design process and speed up decision-making on planning applications.

3. It offers independent, impartial advice on the design of new buildings, landscapes and public spaces. Design Review is now an essential part of the planning process.

4. Since the July 2021 update of the National Planning Policy Framework (NPPF) there is a greater emphasis on the importance of securing design quality in new development. It now says that '*Development that is not well designed should be refused'* (para 134). The new wording contrasts to the 2012 version of NPPF which simply required that *'Permission should be refused for development of poor design'* (para 64). This means that the test now is the achievement of good design and not just the avoidance of bad design. In addition, NPPF requires all planning decisions to have regard to the National Design Guide and National Modal Design Code to improve design quality.

5. NPPF reinforces the important of using Design Review:

   > '*Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include design advice and review arrangements. These are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects such as large-scale housing and mixed-use developments. In assessing applications planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels* (para 133).

6. In the context of such a strong national planning policy framework supporting good quality design and to complement the use of policies in the Local Plan to secure design quality, notably Policy SP9 Design & Sustainability, this Protocol confirms the Council's Design Review arrangements as advised in NPPF.

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How will Design Review be provided?

7. The Council has partnered with Design South East as our provider for design review services. Design South East is an independent not-for-profit organisation working across the wider south east, delivering expert design advice, facilitation and training for local authorities, the development sector and communities.

8. NHDC has chosen to work with Design South East due to their strong track record in delivering design review services to local authorities with a strong and extensive range of panel design experts.

9. If you propose to make large scale new developments in North Hertfordshire, you can get advice from the Design Review panel. The Panel is made up of professionals who have expertise in:

   - architecture
   - urban design
   - landscape
   - heritage
   - transport
   - sustainability

10. The panel's recommendations help improve the design quality of new developments. We expect developers to use the panel at pre-application stage before applying for planning permission as this will help to secure the greatest improvement to design quality. The panel can continue offering design advice after an application too.

What schemes will require Design Review?

11. We require design reviews for the following:

    - developments which incorporate 100 or more new homes.
    - developments which exceed 10,000 square metres of development floor space
    - developments which are in important or sensitive locations or are very complex

12. We also recommend design review for schemes between 50-100 where appropriate and deemed necessary1

13. The Council require the use of Design Review for its Strategic Housing sites. (these are sites of 500 home and above that are allocated in the emerging local plan).

14. Planning and designing such large developments is very complex and requires an integrated and interdisciplinary approach to ensure a well-designed and sustainable developments.

[1] E.g., where design issues are unresolved

North Hertfordshire Design Panel

15. The Council has a specific North Hertfordshire panel of experts co-ordinated and provided by Design South East who will provide advice and support regarding the masterplanning and design of proposals subject to Design Review. The panel will provide the appropriate blend of design skills relevant to the integrated masterplanning of large sites. This will also include local knowledge and consistency of advice to protect against the dilution of quality throughout the planning process.

Who can nominate a scheme for Design Review?

16. North Hertfordshire District Council Officers have a key role to play in nominating strategic, significant and sensitive schemes (which have unresolved design issues and where an improvement to design quality is required) for review.

17. Most schemes will go before the Panel while still at the pre-application stage, schemes can also be nominated after a planning application has been submitted.

18. Applicants will need to discuss the scheme with the planning officer to identify if it is ready to present and suitable to go forward for a design review.

19. Nominations can also be made by elected Councillors at the pre-application stage when they become aware of them or when an application is submitted. Not all schemes proposed will be reviewed. An applicant, NHDC or Design SE may conclude that a nominated scheme does not require a review.

Types of Review and Fees

- Full Day Design Review or Workshop (including a site visit). This is required for a strategic site. £7150
- Half Day Design Review or Workshop (50-500 homes) including a site visit. £5600
- Design Review of a smaller scheme (between 50 and 500) £5600
- Desktop Review of a scheme that has already been reviewed. £3650.

20. The costs above include all staff and panel time during and after the sessions and the production of a report. The costs are paid by the applicant to Design South East. All costs are exclusive of VAT.

Structure of Design Review SE Meetings

21. The key masterplan/design documentation that articulates the design proposals is provided to the panel in advance of the design review meeting.

22. Meetings are chaired by Design South East and last 1 hour and 30 minutes. The meetings are not open to the public.

23. Meetings are preceded by a site visit with the Panel chair, panel members, the developer's presenting team, representatives from North Hertfordshire District Council and relevant stakeholders.

24. Each development proposal is presented by a representative of the developer, or the client, normally this is the masterplanner/urban designer or architect. These are limited to 30 minutes. Following the presentation the Chair asks the planning authority for their thoughts, gives the Panel a brief opportunity to ask clarification and any questions and then gives the main 60 minute part of the review to a discussion of the proposal.

25. The relevant planning officer should be present to provide a statement of how well the proposal satisfies the relevant planning policy context. Other expert bodies with specialist advice may be invited where appropriate.

The Design Review SE Panel Report

26. Following the site visit and Design Review meetings or workshop a report is provided by Design South East. This advice clarifies where design proposals are supported and where there are flaws that require further design resolution and improvement. The report is likely to contain appropriate praise as well as criticism.

27. Where the developer requests the review as part of a pre-application discussion the report may remain confidential unless otherwise agreed. When considering schemes that have already been submitted for planning approval the panel's report will become publicly available.

Contact

28. After liaison with the relevant planning officer at the Council if an applicant would like to progress the Design Review process please contact the North Hertfordshire Design Review Panel Manager **Bridie Lebdiri**, bridie@designsoutheast.org.

29. You'll need to send Design South East the following:

- the signed contract
- completed forms
- scheme drawings

30. The contract will be between you and Design South East.

31. Once you've done this, Design South East will confirm the date of their review at a mutually convenient time. We'll contact the invitees and Design South East will contact you to make sure the panel have all the information they need. We will also liaise with Design South East to arrange site visits.

Transport

1. *New development should be planned around walkable 20-minute neighbourhoods so every home can walk or cycle to meet their daily needs (including primary schools, local shops and mobility hubs)*

2. *Active travel should be prioritised over other modes of transport. Walking and cycling should be the safest easiest and most direct forms of transport linking key destinations. The dominance of vehicles on main routes will be reduced and managed through tools such as filtered permeability.*

3. *The active travel network of pedestrian and cycle routes should incorporate a series of direct commuter routes to key destinations and facilities and slower and more tranquil green routes for recreational trips aligned to a connected green space network.*

4. *Cycle infrastructure should meet the core design principles and requirements of LTN 1/20 alongside protecting existing and providing new trees and landscape.*

5. *Public transport stops with a frequent service should be provided in general no more than 400 m from each house*

6. *Flexible and durable high-quality streets accessible for a wide range of users should be designed to prioritise pedestrians, cyclists and public transport,* effectively integrating the design of sustainable waste collection *and designed in accordance with the most recent edition of Manual for Streets.*

7. *Car parking provision should be located so it does not detract from the streetscene and designed to ensure active, public and shared modes of travel remain the most convenient and accessible modes of transport for most people when leaving their home*

8. *100% of parking (both on plot and communal) should include a choice of electric vehicle charging informed by site suitability and assessment.*

Community

9. *Community, education and retail uses and flexible space should be co-located with green space to form community hubs and support social interaction, health*

and well-being and linked trips. These spaces should be provided early on in the development to support community cohesion.

10. *For larger scale development mobility hubs should be provided to connect multiple sustainable modes of travel with people, such as public transport, electric vehicles, electric bike infrastructure and clubs, delivery service pick-ups alongside other neighbourhood centre facilities (such as food stores, cafes, child care facilities, GP surgeries, home working hubs and community space)*

11. *Neighbourhoods should be designed with a range of densities that define their character responding to local character and context. Higher densities should be located in and around the neighbourhood centres/community hubs. Lower densities around countryside edges.*

Green Infrastructure

12. *A connected and accessible multi-functional green space network should be created and distributed across the development carefully combining active travel routes, recreational, play, sport, allotment, sustainable urban drainage and ecological enhancements and achieve the maximum benefits for people, wildlife and the wider environment.*

13. *The amount, type and location of green space should be informed by the application of the Fields in Trust Standards where sport, recreation and play facilities (including buildings) should be located in prominent and accessible locations so they can serve the community well.*

14. *Green infrastructure should actively mitigate any unavoidable harmful environmental impacts of development on soil or air quality and minimise light pollution*

15. *Sustainable urban drainage should use above ground features to manage flood risk, mimic natural drainage patterns, maintain the natural water cycle improve water quality and include measures to enhance habitat creation through aquatic and marginal planting.*

16. *Existing ecological assets should be retained, protected and enhanced and connected through links, corridors and stepping stones with existing and planned ecological features and networks within and beyond the site boundary to enhance ecological functionality and connectivity*

17. *New development should deliver at least 10% biodiversity net gain within the site boundary or where this cannot be achieved off site habitat enhancement and creation on land under control by the developer within a local distance to the site or a council owned site in a nature opportunity/recovery area*

18. *All streets should be designed to incorporate nature-rich green and blue infrastructure and connect people with nature, provide urban cooling and sustainably manage surface water.*

19. *All streets should include tree planting that is best able to absorb carbon and airborne pollutants, attenuate surface water run-off, cool the atmosphere and provide shade and shelter*

20. *New development should avoid invasive species and maximise the use of native species in site and plot boundaries streets and green spaces to appropriate to local soil conditions and landscape character, ensuring both species and vegetation diversity*

21. *All new development should utilise domestic scale features to support wildlife such as integral bird nests, bat roosts and invertebrate boxes across the site*

22. *The management and maintenance of green space and other community infrastructure should be agreed in the early stages of planning and design to ensure the proposed condition, quality, functionality and benefits of the green space in the long term.*

Energy & Water

23. *New development should demonstrate how carbon emissions will be minimised and energy efficiency maximised through fabric performance, passive design and using renewable technologies such as photovoltaics, solar thermal, biomass, ground/air source heat pumps, wind and hydro. The choice of renewables should be informed by site assessment and suitability. Achieving standards beyond the minimum requirements of building regulations is strongly encouraged.*

24. *New development should minimise carbon emissions through reducing embodied energy through the selection of construction and building materials and processes. The use of sustainable construction standards such as BREAAM, Housing Quality Mark and Passivhaus are encouraged to demonstrate processes that are environmentally responsible and resource efficient.*

25. *All new development should meet or exceed nationally prescribed water efficiency standards and include measures to reduce water consumption including water efficient appliances and water recycling systems.*

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North Herts Council

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Our Ref: LR/StatConsultation2/LS/EL
Your Ref: TR020001
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Date: 4 April 2022

By Email Only

2022consultation@lutonrising.org.uk

Dear Mr Aldridge

Re: Application by Luton Rising for an Order granting Development Consent for the Expansion of London Luton Airport: Second Statutory Consultation Feb-April 2022

Thank you for the opportunity to comment on the above consultation.

Together with the other host authorities (Hertfordshire County Council (HCC) Central Bedfordshire Council (CBC), and Luton Borough Council (LBC)) North Hertfordshire Council has been engaging technically with you on your emerging scheme, both prior to and since the first statutory consultation. Under the terms of the Planning Performance Agreement the host authorities engaged specialist consultancy services to review your first statutory consultation material in 2019 and the outputs of that review informed our collective and individual responses to the consultation. The review has also informed the engagement we have had since then and influenced the scheme as it has evolved since.

Once again, under the provisions of the PPA, the host authorities have commissioned the same consultancy services to assist in responding to the second statutory consultation. Copies of which you will have received.

- Responses to Secondary Statutory consultation on Behalf of Host Authorities – HHC, NHDC, CBC and LBC – prepared by Vincent + Gorbing
- London Luton Airport Expansion: Review of Statutory Consultation Documents – prepared by WSP and SUONO on behalf of the Host Authorities HCC, NHDC, CBC and LBC.

This North Hertfordshire response is separate and in addition to the collective response of the four host authorities. We would like to take this opportunity to raise specific points and to reinforce a number of the outputs and comments made in the collective response as there are some topics which are of concern to us where there is still more information to be provided, clarity is sought, and further discussion would be needed and welcomed prior to the DCO application being submitted.

These include:

- Draft Green Controlled Growth
- Climate Change and GHG emissions
- Air Quality
- Noise and Vibration
- Landscape and visual effects including ecology and the future management of Wigmore Valley Pak which we understand the replacement open space falls within the North Herts boundary
- Draft Employment and Training Strategy
- Community First Fund
- Surface Access

Our detailed comments and recommendations are set out in the appendix attached to this letter.

Yours sincerely,

Ian Fullstone

Strategic Director - Regulatory

North Hertfordshire Council

Appendix to letter ref TR020001

North Herts Council's detailed response to the Second Statutory Consultation (Feb-April 2022) on the application by Luton Rising for an Order granting Development Consent for the Expansion of London Luton Airport.

1 Abbreviations used

- ACP: Airspace Change Proposal
- AQMA: Air Quality Management Area
- CAA: Civil Aviation Authority
- DCO: Development Consent Order
- DETS: Draft Employment and Training Strategy
- DfT: Department for Transport
- DRT: Demand Responsive Transport (e.g. HertsLynx)
- EEH: England's Economic Heartland, the Sub-National Transport Body that includes Hertfordshire
- EIA: Environmental Impact Assessment
- ETS: LR Consultation document *Getting to and from the airport – our emerging transport strategy*
- DGCG: Draft Green Controlled Growth – a legally binding framework proposed to ensure environmental limits are observed as the airport grows
- GHG: greenhouse gas (notably carbon dioxide, methane, nitrous oxide and ozone)
- HCC: Hertfordshire County Council
- LBC: Luton Borough Council
- LCWIP: Local Cycling and Walking Infrastructure Plan
- LLA: London Luton Airport
- LTN1/20: Local Transport Note 1/20: Cycling Infrastructure Design
- LTP4: Hertfordshire Local Transport Plan 4
- LR: Luton Rising, the trading name of London Luton Airport Ltd
- LVIA: Landscape and Visual Impact Assessment
- MRN: Major Road Network, which includes the A505
- LLM: Large Local Majors – nationally or regionally significant road schemes requiring more than £50m of DfT funding
- mppa: million passengers per annum, a measure of airport throughput
- NHC: North Herts Council
- NHDC: North Hertfordshire District Council (also known as North Herts Council)
- NHTS: North Hertfordshire District Council Transport Strategy (October 2017)
- PEIR: Preliminary Environmental Information Report. Postfixed numbers related to the volume and chapter of the report.
- SLMP: Strategic Landscape Masterplan
- SMFR: Strategic Modelling Forecasting Report for Luton Rising DCO (January 2022)
- STB: Sub-national Transport Body, responsible for setting long-term transport strategy for a region
- TSM: Traffic Signs Manual. Note that TSM chapter 6 supersedes LTN 1/95: *The assessment of pedestrian crossings.*
- UFP: Ultrafine Particle – sub 0.1 microns in diameter.

2 Draft Green Controlled Growth

2.1 NHC is strongly supportive of the principle of having a GCG framework.

2.2 THE GCG framework proposes an ascending sequence of two Thresholds, followed by a Limit on four environmental "topics":

- Noise
- Air quality
- GHG emissions
- Surface access

2.3 If the first Threshold is met, LR must produce a Level 1 Plan to ensure further expansion will not lead to a limit threshold being reached.

2.4 If the second Threshold is met, LR must stop increasing airport capacity until it has prepared a Level 2 Plan to ensure further expansion will not lead to a limit threshold being reached.

2.5 If the Limit (effectively the third Threshold) is met, LR must prepare a Mitigation Plan to bring the relevant environmental metric below the Limit.

2.6 The plan effectively makes the second Threshold a target, which would render the first Threshold meaningless.

2.7 Environmental metrics will follow utilised capacity, not available capacity. There will be a time lag between additional capacity being made available at the airport and that capacity being fully utilised. Environmental limits could therefore be exceeded sometime after additional airport capacity has been made available.

2.8 If a Mitigation Plan fails, environmental Limits could be exceeded indefinitely with no direct consequences for LR beyond not being able to expand airport capacity further.

2.9 Surface access

2.9.1 The Thresholds for Surface Access are set in terms of modal shares for public transport for passengers and 'sustainable transport' for employees. It would be more transparent if the targets were set in terms of the absolute number of car trips.

2.9.2 It is implied that the recorded mode will be the mode of arrival. It therefore needs to be established whether this will be a reliable metric if large numbers of people kiss-and-ride from the DART terminus or taking a park-and-ride bus from Butterfield Business Park. In both cases, the main trip mode is car.

2.10 Recommendations

2.10.1 On the DGCG framework, NHC asks LR to:

- Refine the plan to provide greater certainty that environmental metrics will not be exceeded.
- Explicitly set the first Threshold as the target, to create an adequate safety margin to allow for hysteresis (time lags between drivers and outcomes) and uncertainty about the effectiveness of mitigatory actions (which will, for the most part, be untested).
- Add an additional step that, should a Mitigation Plan fail to achieve its objective within an agreed period of time, airport capacity must be ratcheted down until environmental targets are no longer exceeded.

- Agree with local authorities the capacity increment sizes and minimum time intervals between increases. The aim would be to ensure that the full environmental impacts are observed before capacity is increased further.
- Add a financial penalty for any breach of an environmental Limit threshold. Agree with local authorities an appropriate formula, based on the degree and duration of the exceedance for each environmental topic, and to whom it would be payable (e.g. the affected local authorities or the Communities First Fund – see §**Error! Reference source not found.**).

2.11 On surface access, NHC asks LR to:

- Convert the modal share targets to *absolute* numbers of car trips.
- Consider setting an ambitious target of *no net increase* in the absolute number of car trips.
- Consider a stretch target of *reducing* the absolute number of car trips over time.
- Consider replacing some or all of the currently proposed schemes to increase road capacity with interventions to increase rail and bus capacity to ensure that they can accommodate growing demand comfortably.
- If applicable, count park-and-ride bus trips separately to trips by local and intercity bus services, and count these as half-car-trips.
- Monitor how many people who arrive by DART drove, or were driven, to the DART terminus or a local railway station, and count these as car trips.

3 Climate Change and GHG emissions

3.1 LR make a distinction between *Net Zero* and *Carbon* Neutral, for instance in DGCG §1.1.2(i):

> *Further infrastructure enhancements and initiatives to support our goal of a net zero airport operation by 2040, with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.*

3.2 This distinction is not supported by definitions given by relevant established bodies (including the Carbon Trust and the IPCC). The terms are typically used synonymously in public discourse too.

3.3 Elsewhere in the DGCG, 'carbon neutrality' applies only to surface access and 'net zero' to ground operations.

3.4 Although LR have outlined a plan to achieve net zero, they have not provided evidence that the measures will be sufficient to achieve net zero for surface access or ground operations.

3.5 PEIR2 §12.2.16 mentions the Climate Change Act's (amended) target of Net Zero by 2050. However, the government has also set milestones for decarbonisation, relative to 1990 levels:

- 68% by 2030 (UK's Nationally Determined Contribution)
- 78% by 2035 (statutory)

3.6 In 2019, emissions were 43.8% down.[1] That means that, to meet the 2030 target, emissions must fall a further 24.2 percentage points, or 43% relative to 2019 levels (from 56.2% to 32%).

3.7 If aviation[2] is to be treated as an exception and permitted to contribute a smaller reduction in GHG emissions than required for the country as a whole, then the government (as the co-ordinator of sector decarbonisation plans) will need to identify which other sector(s) will decarbonise faster in order to offset the shortfall in aviation. There can of course be no double-counting of sectors.

3.8 Recommendations

3.8.1 NHC asks LR to:

- Use either 'net zero' or 'carbon neutral' consistently.
- Be consistent and clear about what generators of emissions are included in any statements relating to achieving net-zero.
- Set out how, and by how much, each action in the decarbonisation plan will contribute to achieving net-zero for surface access and ground operations.
- Demonstrate how airport expansion will be consistent with the statutory decarbonisation milestones.

4 Air quality

4.1 Evidence is growing about the damage to health caused by particulate matter, nitrous oxides, ozone and volatile organic compounds.[3]

4.2 Urban populations' long-term exposure to harmful levels of air pollutants is responsible for between 28,000 and 36,000 premature deaths a year in the UK.

4.3 The World Health Organisation recommends much more stringent limit values for some key pollutants than those required by law. Growing interest in the health damage from particulate matter in particular suggests that it may be time to look again at the assumption that aircraft emissions at higher altitudes can be disregarded when assessing aviation's air quality impact.

4.4 In terms of population exposure, the EU Environment Agency has identified that significant proportions of EU urban populations are exposed to harmful levels of air pollutants in relation to WHO guidelines as follows:

- PM2.5: 74-85% of WHO Guideline
- PM10: 42-52%
- Ozone: 95-98%
- NO_2: 7-8%
- BaP: 85-90%
- SO_2: 21-38%

[1] See 2019 UK Greenhouse Gas Emissions, Final Figures (publishing.service.gov.uk)
[2] International aviation (and shipping) are excluded from the Nationally Determined Contributions, but included in the Sixth Carbon Budget. Details will be confirmed in the upcoming Jet Zero Strategy.
[3] See Air pollution: applying All Our Health - GOV.UK (www.gov.uk)

4.5 PEIR2 chapter 7 acknowledges the existence of AQMAs in Hitchin, but provides no detail on the modelled impacts of additional traffic generated by the airport expansion.

4.6 PEIR2 chapter 7 does not cover ultrafine particles (UFPs).

4.7 The Air Quality Expert Group (Defra) produced a paper on UFPs in 2018. In summary:

- Current monitoring for UFPs is inadequate, and additional measurements are required in relation to poorly understood UFP emission sources such as airports. The group recommend establishment of UFP monitoring in the vicinity of a major airport, in order to understand the chemical composition of UFP in the atmosphere.
- These particles are typically less than 0.1µm. They are usually quantified by their number concentration. Hence these particles are not addressed with current UK or EU Air Quality Regulations, and do not feature within the NAEI, National Emissions Inventory.
- UFP penetrate deep into the respiratory system, allowing interactions with lung tissue and potential translocation into the blood stream. This, together with the hypothesis that the toxicity of particulate matter is governed by the surface area of the particles rather than their mass, has led to suggestions that ultrafine particles may be particularly harmful to health (HEI, 2013).

4.8 The European Airport Regions Conference in 2017 concluded that, “Supporting the reduction of Ultrafine particles (UFPs) to the minimum is crucial to preserve a comfortable and healthy lifestyle for residents living in airport regions.”

4.9 The Aviation Environment Forum (AEF) has made summary recommendations in relation to environmental policy challenges in relation to the Aviation Strategy.

4.10 Recommendations

4.10.1 NHC asks LR to:

- Identify the locations of all existing air quality monitoring stations.
- Agree with NHC the number and locations of new stations to monitor the impact of airport expansion on existing and future settlements (including the Local Plan site allocation EL1, EL2 & EL3 to the east of Luton, identified in Policy SP19).
- Provide a mobile monitoring station to identify any new areas of concern.
- Agree with NHC an annual review of air quality monitoring.
- Undertake to add new monitoring stations if and where air quality problems are identified in new locations (e.g. using the mobile monitoring station).
- Provide calibrated baseline air quality metrics for each air quality monitoring site.
- Provide detailed analysis of forecast impacts on air quality in Hitchin, including the two AQMAs.
- Agree with NHC and HCC a mitigation plan for any forecast or observed increase in air pollution in the Hitchin AQMAs.
- Work with DEFRA to establish a permanent site, monitoring particle number concentration and size distribution (including UFPs) in the vicinity of LLA; and to include UFPs in air quality modelling.
- Start monitoring levels and health impacts of UFPs before the airport expansion programme commences to provide a reliable baseline.

5 Noise and Vibration

5.1 The PEIR is designed to report on the preliminary conclusions of the Environmental Impact Assessment for the proposed development.

5.2 The current proposal is based on a planned expansion of airport capacity from 18mppa to 32mppa in 3 phases from 2025 to 2041, with full capacity of 32mppa reached in 2043.

5.3 Luton Airport will be subject to redesign of airspace, which will impact on future flight arrival patterns.

5.4 The Airspace Change Proposal (ACP) has been approved by the Civil Aviation Authority (CAA) in November 2021.

5.5 The Environmental Assessment of the ACP has considered combined impacts of the ACP and current Development Control Order proposals.

5.6 Noise modelling has shown the SAIP AD6 Proposal would result in decreases in population exposure to the daytime LOAEL of 51dB (LAeq 16h), and increases in the population exposed above the nightime LOAEL of 45dB (LAeq 8h).

5.7 The overflight contours, which portray the pattern and dispersion of aircraft below 7,000 ft, show a reduction in the number of people overflown by less than 20 flights per day, an increase in the number of people overflown by 50 - 100 flights per day and a reduction in the number of people overflown by over 100 flights per day.

5.8 It is recognized that the ACP will change flight approaches, and therefore change the populations exposed. It is important that future changes to flight approach patterns are considered within future assessments and accounted for within baseline measurements.

5.9 The final details of the ACP for Luton cannot be known until neighbouring airports in the South East have also reevaluated their future airspace changes.

5.10 This leaves a significant degree of uncertainty in relation to future flight patterns and noise impacts. The CAA do not agree with the PEIR statement in para 16.1.4 that assumes the ACP will only result in noise benefits and suggest there could be some negative impacts.

5.11 This raises further questions in relation to the robustness of the current noise modelling carried out in support of the PEIR, unless modelling can be based on the outcome of decisions yet to be made for ACP proposals in the SE region.

5.12 The current Noise Control Scheme for Luton Airport has been recently revised following an application to vary condition 10 (Noise Contours) to Planning Permission 15/00950/VARCON in November 2021. (Subject to approval by the Local Planning Authority)

5.13 The amendment to Condition 10 has extended the areas allowed within the approved noise contours for both daytime and nighttime noise, thus relaxing the current condition within the Noise Action Plan.

5.14 The Noise Action Plan contour population results are published for 2006-2016, the next results due for 2021. These results all show increases in the number of dwellings and population exposed at noise levels for Lden, Lday,Leve, LAeq 16h, Lnight., and show that the airport exceeds the current noise contour limits.

5.15 Comments have already been made in relation to the incomplete baseline noise surveys, used as a basis for establishing a baseline for predicting future noise contours. The current planning condition 10, relating to the day and night-time contour limits (in terms of LAeq,16hour and LAeq,8hour, respectively) was exceeded for both day and night in 2019. The night-time noise contour limit was also exceeded in 2017 and 2018.

5.16 Noise contour plots will be used for future assessment of annoyance to health detriment and claims to Local Authorities for payments in relation to noise insulation. Therefore, the establishment of comprehensive baseline data is vital to the reliability of future contour modelling. As contour limits were exceeded in 2019, there is a question whether 2019 can be used as an acceptable baseline year.

5.17 The Lowest Observable Effect Level (LOAEL) of 51dBALAeq, 16h, and 45 dBALAeq, 8h, are key metrics within the Action Plan and hence referenced by modelled noise contours.

5.18 The noise contours for future assessments within the PEIR documents start at 51dB for daytime assessments, and 45dB for nighttime assessments, and are based on 3dB intervals.

5.19 Details from WebTAG suggest that where greater precision is required noise contours at 1dB intervals should be considered.

5.20 The TAG noise workbook (DfT 2017) quotes, “For each one decibel change in average noise level, a monetary value is assigned for the change in the following health impacts: amenity (annoyance), acute myocardial infarction, dementia, stroke, and sleep disturbance. These values are based on the latest evidence from the World Health Organisation.”

5.21 The following text (21-27) is copied from Transport for London paper, *Monetisation of aviation noise impacts* (May 2016).

5.22 The World Health Organisation (WHO) in the 2011 report, “Burden of disease from environmental noise” concluded that:

> *“There is sufficient evidence from large-scale epidemiological studies linking the population’s exposure to environmental noise with adverse health effects. Therefore, environmental noise should be considered not only as a cause of nuisance but also a concern for public health and environmental health.”*

5.23 The WHO identifies health impacts including: cardiovascular disease, cognitive impairment, sleep disturbance and tinnitus as well as annoyance; further explanation of these health impacts is provided in the appendices.

5.24 Following the WHO report, the UK Department for Environment, Food and Rural Affairs (DEFRA) produced guidance in 2013 on assessing impacts of transport-related noise using a monetary approach covering a range of impacts on; annoyance, sleep disturbance and health impacts including acute myocardial infarction (AMI) – i.e. heart-attack – hypertension – i.e. high blood pressure – stroke and dementia.

5.25 In December 2015 the Department for Transport (DfT) published *Transport Analysis Guidance (TAG) on the analysis of environmental impacts in transport appraisals* as an update to the same document from 2014.

5.26 The significant change in the updated TAG noise impact appraisal is the inclusion of DEFRA’s guidance on the valuation of transport-related noise.

5.27 This approach to monetizing health impacts has been sanctioned by DEFRA where dose response functions have been created for these specific health impacts.

5.28 For instance, DEFRA 2014 report (Environmental Noise: Valuing impacts on: sleep disturbance, annoyance, hypertension, productivity and quiet) quotes the following (24).

5.29 The DEFRA report recommends, (i) It is recommended that the impacts of environmental noise on sleep disturbance are monetised and reflected in appraisal where it is proportionate to do so. (ii) The use of Disability-Adjusted Life Years (DALYs) to reflect the value of impacts on public annoyance from environmental noise. (iii) Where a decision is expected to alter the level of environmental noise, the impacts on hypertension—and consequently on dementia and stroke—should be considered and where proportionate quantified and valued.

5.30 The impacts of environmental noise on sleep disturbance are also already being considered for inclusion in some decision making. For example, in January 2013 the consultation on the night flying restrictions at Heathrow, Gatwick and Stansted proposed an appraisal approach which included the monetised impact of sleep disturbance. This consultation was informed by a Civil Aviation Authority (CAA) review to investigate the adverse effects of night-time aviation noise.

5.31 In relation to use of noise contours, the TAG workbook further states, “The TAG noise workbook input matrix gives the option to users to make inputs in either 1dB or 3dB intervals. Our preference is for the 1dB option to be used wherever possible in the context of assessing the impacts of airspace changes as it produces a more accurate calculation of the monetised value of the impact. This is because the monetary values provided by DEFRA and used in the TAG workbook are for 1dB changes in the level of noise. When inputs are made at 3dB intervals, the implicit assumption made is that all inputs are in the middle of the 3dB band and any change in bands represents a 3dB change”.

5.32 Thus there is a strong argument that the PEIR noise assessment should do more than consider annoyance from noise exposures, but conduct the assessment to quantify monetary values for the costs to health.

5.33 TAG now evaluates noise impacts as health impacts rather than purely as annoyance.

5.34 In the latest guidance they are now derived from estimates of noise impact on individuals’ health, sleep disturbance and annoyance. Monetised outputs are generated for sleep disturbance, Amenity, AMI, Stroke, and Dementia. Non-monetised outputs are based on total number of households with increased or decreased daytime or nighttime noise.

5.35 The Independent Commission on Civil Aviation Noise have recommended that additional noise metrics, such as N70, N65 and N60 are used in conjunction with LAeq measurements, which can also be used in conjunction with parameters as Noise Violation Limits NVLs, used within the noise control scheme.

5.36 These N values are the number of aircraft events overflights (CAA, 2017) at a location in each time period where the maximum sound level of the event is at least 70 dB(A), 65 dB(A) and 60 dB(A) respectively.

5.37 Overall, there needs to be a more detailed consideration of the metrics used within the PEIR and subsequent EIA, so that there is a consistency of approach for considering metrics that are used within Planning Permissions, Noise Control Scheme, Noise Action Plans, and Compensation Policies and measures.

5.38 It is of concern the baseline noise measurements have not all been conducted within recommended periods.

5.39 Overall, in terms of noise assessment there is a heavy reliance on the results of noise contour modelling, which currently use 2019 year as a baseline where contour limits were exceeded, this must be addressed.

5.40 Recommendations

5.40.1 NHC asks LR to:

- Provide detail of the metrics used within the PEIR and Environmental Statement, so that there is a consistency of approach with Planning Permissions, Noise Control Schemes, Noise Action Plans, and Compensation Policies and measures.
- Undertake to take all baseline noise measurements for the EIA within recommended periods.
- Confirm that the baseline used for contour modelling makes allowance for any exceedance of contour limits.
- Consider adding baseline noise monitoring sites to represent potential sensitive sites, such as schools, care homes, hospitals etc., including in areas that may be negatively affected by changes in future flight paths.
- Continue to monitor noise levels in the future in order to validate (or adjust and re-calibrate) noise contour models and monitoring sites.

6 Landscape and Visual Effects (these include comments by HCC Landscape Team supported by NHC)

6.1 Development structures

6.1.1 The consultation material confirms that the proposals would 'introduce built form that may be prominent in views from several locations,' and goes on to say 'new buildings will be similar in scale and character to the existing airport buildings. Subtle architectural surface finishes will be used to minimise visual impacts.'

6.1.2 There is concern for the intervisibility between the proposed development and the Hertfordshire Area, particularly North Hertfordshire.

6.1.3 It is proposed to locate a fuel line and connection facility of approximately 460 m^2 with an associated single hardcore access track for maintenance purposes near the point of connection, and an infiltration basin, within the North Hertfordshire boundary that is designated Green Belt. In addition, it is proposed to locate a fuel storage tank along adjacent to the County boundary in a relatively sensitive rural edge location.

6.2 Strategic Landscape Masterplan

6.2.1 It is advised that a Strategic Landscape Masterplan (SLMP) is required to, include a landscape masterplan, and set out the vision, key landscape features, qualities and characteristics that inform the development of a cohesive, beautiful, multifunctional, and resilient place for people and wildlife. This should be produced in collaboration with all key stakeholders. The proposals to date focus on the delivery of mitigation, however, there also needs to be a focus on placemaking and stewardship to ensure that the open space associated with Wigmore Valley Park is successful and ultimately delivers quality over quantity.

6.2.2 This approach is in line with the more detailed design and specifications for the replacement open space that was shared with the Landscape Stakeholders Group in 2020 and included the evolution of the replacement open space layout and design to reflect local parkland character within North Hertfordshire, alongside strategies for mitigation and enhancement, access and circulation, animal management, security, furniture, art, and hard and soft landscape. This information should be compiled within the SLMP and should serve to establish the vision and key design principles for the open space and landscape to ensure that the development proposals, and any future incremental change, are fully coordinated and continue to make a positive contribution to the area as a whole.

6.2.3 It is understood that Luton Rising have already secured planning permission to provide enhanced facilities, including an improved skate park and play facilities, an improved Wigmore Pavilion, and better surfaced footpaths. These early interventions are welcomed, however there needs to be consideration for how these proposals knit with the layout and design of the wider strategic landscape masterplan area.

6.3 Advanced Planting

6.3.1 It is understood from the submitted phasing plans that it is proposed to deliver the majority of the replacement open space and landscape mitigation at Phase 1, with the exception of the land parcels that accommodate the fuel line and connection facility and the infiltration basin that will be delivered in later phases. However, it is also stated within the consultation material that there will be advanced planting and that some early seeding has already taken place – however the location of this is not confirmed.

6.3.2 As discussed above, any early interventions need to be coordinated as part of an overarching strategic landscape masterplan. There does not appear to be any reference to advanced planting within the LVIA.

6.4 Stewardship and Draft Landscape & Biodiversity Management Plan

6.4.1 The proposals refer to ‘Engaging with local stakeholders on the potential for future community stewardship of a new park, overseen by a new Community Trust.’

6.4.2 Of particular concern to North Hertfordshire is the long-term stewardship of the replacement open space which falls within the North Herts boundary and the lack of certainty over future management and funding of future management beyond 50 years as specified in the Draft Landscape and Biodiversity Management Plan. There is a need for further clarity over the scale and duration of mitigation schemes and aftercare.

6.4.3 Decisions could have a fundamental impact upon the strategic landscape masterplan and management strategies. LR need to be able to demonstrate that safeguards are in place to ensure the successful future management of the extended park delivers on the mitigation it is designed to address (including recreational impact and biodiversity enhancement).

6.4.4 For example, the Landscape and Biodiversity Management Plan suggests management will be implemented by a Landscape and Maintenance contractor. This will need to demonstrate that appropriate management will be delivered – such as extensive grazing for the ecologically enhanced grasslands to the east within North Hertfordshire.

6.4.5 It is understood that the responsibility for delivering and maintaining areas will depend on individual land considerations. The SLMP should sit alongside the BMP and would assist in providing individuals an understanding of how their areas contribute to the area as a whole.

6.4.6 The Draft Landscape and Biodiversity Management Plan (LBMP) will continue throughout a period of fifty years. As stated above, there is concern that any benefits accrued by the end of this period should not be lost.

6.5 Recommendations

6.5.1 HCC and NHC asks LR to:

- Provide (or signpost) plans and cross-sections that clearly show the relative heights of the existing and proposed built development and features, and details with regards to the approach to visually recessive architectural detailing and materials.
- Meet with HCC and NHC to discuss the LVIA in more detail.
- Provide further information with regards to the options and parameters informing the location, appearance and detailed design of the fuel line and storage tank. This should address any direct impacts, including visual amenity, on the Green Belt as part of any landscape and visual mitigation strategy.
- Meet with HCC and NHC at the earliest opportunity to discuss the replacement open space, its functionality in respect of public amenity and potential impacts on its ecological potential and the wider landscape elements.
- Provide more clarity on the future management and funding of future management on the replacement open space, particularly within North Hertfordshire.
- Provide more detail on how the proposed structures on Wigmore Valley Park fit with the SLMP.
- Engage with HCC and NHC on specifying the Landscape and Maintenance contract.
- Set a 'trigger point' before the end of the LBMP period when arrangements will be agreed with HCC and NHC for the provision of ongoing management and maintenance.

7 Biodiversity Net Gain

7.1 There is limited reference to Biodiversity Net Gain in the documentation. This will soon be planning law, which will apply to this development.

7.2 A minimum of 10% net gain will be required; there is no reference to any further ambition to exceed this.

7.3 The proper accounting for existing site value and future compensation and enhancement will require sufficient supporting evidence.

7.4 Recommendations

7.4.1 NHC asks LR to:

- Undertake to deliver more than 10% biodiversity net gain, and provide sufficient supporting evidence for how this will be achieved.

8 Draft Employment and Training Strategy

8.1 The ETS looks to address inequalities and lack of opportunity within deprived communities and minorities. Although the study area covers Hitchin, Letchworth and Stevenage, most of the detailed study has been confined to Luton and it appears to be 'averaged out' by considering Hertfordshire as a whole as a comparator rather than reflecting the patchwork nature of deprivation within each district in the areas relatively close to the Airport.

8.2 The ETS could do more to ensure a positive and pro-active approach in providing training opportunities such that the airport operator and other airport employers providing direct training opportunities rather than simply relying on existing institutions.

8.3 Greater consideration could also be given to pump-priming and subsidising sustainable travel to the airport in order to widen the geographic area in which people can travel to work sustainably and affordably.

8.4 Supporting sustainable travel options and reducing dependency on car ownership is an essential policy component of 'levelling up', as well as responding to the climate emergency.

8.5 Recent and expected increases in fuel and energy prices will push more people into poverty, exacerbating social divisions and reducing people's ability to access work.

8.6 Recommendations

8.6.1 NHC asks LR to:

- Use travel time, not distance, to determine accessibility of jobs.
- Identify the most deprived communities within each district/borough.
- Provide detail on how those communities in particular will benefit from new employment opportunities created by the airport expansion.
- See also recommendations in §11 to §20 on Surface Access.

9 Community First Fund

9.1 Up to £13million/year will be made available to registered charities, community groups, and parish and town councils in areas affected by the airport's activities, including North Hertfordshire.

9.2 The fund will finance local decarbonisation projects, with a focus on areas of high deprivation.

9.3 The fund is intended to compensate for, not mitigate, the impacts of the airport.

9.4 The fund parameters appear to rule out investment in low-carbon transport, even though this could be highly beneficial, environmentally and socially, to rural communities and towns, including Luton and Hitchin. This is on two counts: firstly, transport infrastructure and services need to be planned and delivered at a higher level of organisation than individual communities; and, secondly, that transport infrastructure and services fall under the umbrella of mitigations, rather than compensation.

9.5 Recommendations

9.5.1 NHC asks LR to:

- Engage with LAs, parish councils and community groups, perhaps using workshops, to gather and test ideas for how this fund should be used (i.e. what schemes should qualify) and disbursed (i.e. how applications will be assessed and monitored).
- Consider broadening the parameters of the fund to permit investment in sustainable transport, potentially including to:

- Support bus services
- Maintain active travel infrastructure
- Integrate information and ticketing systems (which carries a cost overhead)
- Market sustainable travel options

- Offer personalised travel planning
- Provide Bikeability and similar training

Surface Access

10 Transport policy context

10.1 Local and national policy and guidance prioritise reducing travel demand and mode-shifting trips from solo-occupancy driving to active travel, public and shared transport.

10.2 Two key policies from LTP4 are Policy 1 (Transport User Hierarchy) and Policy 4 (Demand Management):

Policy 1: Transport User Hierarchy

To support the creation of built environments that encourage greater and safer use of sustainable transport modes, the county council will in the design of any scheme and development of any transport strategy consider in the following order:

- Opportunities to reduce travel demand and the need to travel
- Vulnerable road user needs (such as pedestrians and cyclists)
- Passenger transport user needs
- Powered two wheeler (mopeds and motorbikes) user needs
- Other motor vehicle user needs

Policy 4: Demand Management

The county council considers greater traffic demand management to be essential in the county's urban areas in the next five years to achieve modal shift and improve sustainable travel provision. This can only currently be achieved efficiently and effectively through parking restrictions and charging applied to on-street, off-street and potentially at workplace parking. The county council will work with the district and borough councils and other key stakeholders to develop locally appropriate strategies.

10.3 The NHTS §5.14 sets out the following principles (most relevant points emphasised):

- Ensuring that the new developments have sustainable transport 'built-in';
- Adoption of a transport user hierarchy;
- Deliver a step change in cycling and improved walking within the main urban centres through travel behaviour change and better facilities;
- Deliver an improvement in bus-based public transport in the main urban centres, including better bus interchange and journey times;
- A 'Sustainable Spine' corridor along the A505 with a focus on enhanced public transport and cycling connectivity between the towns.
- A **traffic management plan** for each main urban town, which focuses on managing traffic to improve air quality, reduce congestion and severance issues, **rather than increasing traffic volumes through the towns**.
- Rural management and improvement measures aimed at resolving particular traffic issues or **taking opportunities to better link villages** to each other or the main urban towns, and;
- Review, provide for and utilise technology improvements through the strategy.

10.3.1 In relation to the 'Sustainable Spine' corridor along the A505, NHTS §5.25 states (most relevant points emphasised):

- The corridor should be reconsidered in relation to its 'people movement' function, rather than as a highway link only…. This will mean considering:
- **More and better crossing points** for walking/cycling to key destinations;
- Technology to provide traveller information;
- Bus passenger infrastructure and bus priority;
- Enhanced bus services, with a frequency of a minimum of 4 buses per hour during the daytime Weekday and Saturday on the corridor;
- Consideration of how rail travel between the towns could be improved, perhaps with cheaper/more integrated ticketing;
- Cycling links on the corridor; and
- Speed of traffic and road space allocation.

10.4 *Gear Change: A bold vision for cycling and walking*[4] sets a target (also referred to in *Decarbonising Transport: a Better, Greener Britain*) for "half of all journeys in towns and cities [to be] cycled or walked."

> **In particular, there are many shorter journeys that could be shifted from cars, to walking, or cycling.**
>
> We want to see a future where half of all journeys in towns and cities are cycled or walked. 58% of car journeys in 2018 were under 5 miles[16]. And in urban areas, more than 40% of journeys were under 2 miles in 2017–18[17]. For many people, these journeys are perfectly suited to cycling and walking.

10.5 *Manual for Streets 1 & 2*, LTN1/20 and TSM (in particular chapter 6) set out practical guidance on design for cycling and walking.

10.6 Although road capacity is normally reported in terms of vehicles-per-hour, the true capacity is measured in people-per-hour (and tonnes-per-hour for freight).

10.7 It is therefore possible to increase true road capacity by enabling and encouraging modal shift from driving to more space-efficient alternatives:

- Travelling at 30mph, a bus carrying 60 people replaces around 1.2km of car traffic (each car carrying ,on average, 1.2 people, which is a typical peak-time occupancy rate).
- If people walk or cycle short trips rather than driving, that releases road capacity for traffic making longer trips (which accounts for the vast majority of traffic to/from LLA).

10.8 Transport accounted for 27% of the UK's domestic carbon emissions in 2019.

10.9 A number of studies, including the *Sixth Carbon Budget*[5] by the Climate Change Committee, have concluded that reducing vehicle-miles is an essential part of the strategy to decarbonise road transport:

[4] See page 11 of Cycling and walking plan for England - GOV.UK (www.gov.uk)
[5] See page 97 of The Sixth Carbon Budget: The UK's path to Net Zero - Climate Change Committee (theccc.org.uk)

The Balanced Pathway covers low-cost, low-regret options as well as more challenging and/or more expensive measures needed to meet Net Zero (Table 3.1.a). The key elements of this are:

- **Reduction in car travel.** Our demand scenarios are based on modelling by the UK Centre for Research into Energy Demand Solutions (CREDS), along with other literature and evidence across UK cities and in other countries. Compared to baseline growth, we assume that approximately 9% of car miles can be reduced (e.g. through increased home-working) or shifted to lower-carbon modes (such as walking, cycling and public transport) by 2035, increasing to 17% by 2050. The opportunities presented to lock-in positive behaviours seen during the COVID-19 pandemic and societal and technological changes to reduce demand (e.g. shared mobility and focus on broadband rather than road-building) are key enablers.

10.10 The emerging NHC Local Plan contains the following commentary on policies relating to Hitchin:

13.143 Our transport modelling identifies that a number of junction improvement schemes will be required in Hitchin by 2031:

- A505 Cambridge Road / Willian Road / Woolgrove Road
- A505 Upper Tilehouse Street / B655 Pirton Road
- A505 & A602 Paynes Park
- A602 / B656 / Gosmore Road
- Cadwell Lane / Wilbury Way / Woolgrove Road

13.144 A number of these highway mitigation schemes are on the routes of the A505 and A602 as they pass through the town. It is notable from the transport work that the majority of these schemes would be required even if no further development was being proposed through this Plan.

13.145 All schemes in Hitchin will be required to make reasonable contributions towards the funding of these works and to walking and cycling schemes in Hitchin which aim to influence mode share and free up capacity for new development. In some cases, existing traffic or background growth may result in junction capacity issues, and new development will further increase these problems. However any additional capacity developed to resolve existing or background growth issues will also be taken up by new development, and appropriate contributions are therefore likely to be required.

13.146 Any highway mitigation scheme at the A602 / B656 / Gosmore Road roundabout will need to consider the effects upon the Air Quality Management Area which has been declared on the approach to this junction.

11 A505/A602

11.1 PEIR2 chapter 18 acknowledges the status of the A505 and A602 described in LTP4:

… [LTP4] notes that the primary connections within this strategic movement corridor are the A505 and A602. These routes provide the strategic link between Luton, the airport, the A1(M) and Stevenage, as well as serving the towns of

Hitchin, Letchworth and Baldock. In addition to these towns, the airport generates a significant amount of traffic on the corridor. Traffic flows are generally localised between the towns along the corridor. It is noted that there are a number of lower category parallel routes also serve the corridor with some traffic using these to avoid congestion at Luton or Hitchin.

11.2 Nevertheless, the PEIR and ETS contain no detail on the impacts of airport expansion on traffic on the A505, A602 and connected roads, in particular in Hitchin. Nor does it make reference to the emerging NHC Local Plan (see §10.1010.10) or Transport Strategy (see §10.3).

11.3 There is also no explanation or justification provided for the highway interventions proposed for Hitchin. Nor is there any discussion of the wider impacts of those interventions on active travel, buses, and displacing congestion to other junctions in Hitchin. See also §**Error! Reference source not found.**.

11.4 Recommendations

11.4.1 NHC asks LR to:

- Share with NHC detailed forecasts of traffic flows in the Do Nothing and Do Something scenarios at each junction of the A505 east of Luton to A1 Junction 9, and of the A602 to A1 Junction 8.
- Meet with NHC and HCC to discuss the modelling and rationale for proposed interventions in Hitchin.

12 Highway interventions in Hitchin

12.1 ETS Table 6-1 describes the following measure to mitigate the expected increase in traffic generated by the expansion of LLA:

- Highway improvements to make the network perform better for longer.

12.2 ETS Table 8-1 lists interventions for three junctions in Hitchin (on the A505 and A602), for which detailed drawings are included in ETS Appendix D:

- **Work no. 6o**, A602 Park Way / A505 Upper Tilehouse Street: Minor widening is proposed to the roundabout entries, to provide increased lengths of two lane entry. The widening on Park Way will be contained within an existing grass verge / landscape area, with the proposed realignment of Upper Tilehouse Street potentially requiring amendments to an existing retaining structure and vehicle restraint system.
- **Work no. 6p**, A505 Moormead Hill / B655 Pirton Rd / Upper Tilehouse Street: Minor widening and realignment of Upper Tilehouse Street entry is proposed, to provide an increased length of two lane entry to the existing mini-roundabout. All of the Work would be contained within the existing highway boundary.
- **Work no. 6q**, A602 Park Way / Stevenage Road: Minor widening of carriageway and realignment of various kerblines is proposed on A505 Park Way, Hitchin Hill and A602 Stevenage Road to provide increased lengths of two lane entry to the roundabout. These Work are restricted verge and landscaping areas, within the highway boundary.

12.3 These interventions are intended to be delivered in Phase 2a of the airport expansion plan, once airport patronage has reached 27 mppa. This is expected to be around the year 2039.

12.4 Hitchin Hill roundabout (see Figure 1)

12.4.1 There is currently no provision for cycling at this junction.

12.4.2 There is no footway along Park Way (A602) west of the junction.

12.4.3 There is no provision for people to cross Hitchin Hill (B656) or London Road (B656).

12.4.4 There is minimal provision (just dropped kerbs) for people to cross the eastern A602 arm of the junction.

12.4.5 Stevenage Road (A602) is in an Air Quality Management Area.[6]

12.5 A602–A505 roundabout (see Figure 2)

12.5.1 This junction is in the middle of a residential area, less than 250m from Market Place.

12.5.2 It is in a designated Air Quality Management Area.[6]

12.5.3 There is currently no provision for cycling at this junction.

12.5.4 There is a single pedestrian crossing of the gyratory to reach the town's public library.

12.5.5 There is no pavement on either side of Park Way.

12.5.6 There is no provision for walking across the Upper Tilehouse Street or Paynes Park arms of the junction.

12.5.7 The pedestrian crossing of Old Park Road is set back 32m from the junction.

12.6 **A505–B655 mini roundabout** (see Figure 3)

12.6.1 There is currently no provision for cycling at this junction.

12.6.2 There are no dropped kerbs on the southern side of Pirton Road nor the northern side of Offley Road.

12.6.3 There is minimal provision (just dropped kerbs) for walking across the other junction arms.

12.7 General objection

12.7.1 The PEIR and ETS provide no explanation nor justification for these highway interventions.

12.7.2 The proposed interventions:

- Are in locations where provision for cycling is non-existent and provision for walking is minimal.
- Take space away that could and, in probably all cases, should be allocated to walking and cycling.
- Increase general traffic flows along the A505, which will likely increase congestion in the town centre, notably around the pinch point where the A505 passes under the East Coast Mainline.
- Significantly increase the difficulty and danger for people walking and cycling to cross the junction arms that are being widened to accommodate additional filter lanes.
- Increase traffic speeds on the roundabouts in question, which will increase the risk to life and injury in the event of a collision with a person walking or cycling.

12.7.3 These outcomes are inconsistent with LTP4 and NHTS, in particular the policies highlighted in §10.2, 10.3 and 10.3.1.

12.7.4 Any intervention in the urban road network should seek to improve compliance with Manual for Streets and LTN1/20. The proposed interventions would achieve the opposite.

[6] Decision to review not expected before 2023 (see 2021 Air Quality Annual Status Report)

12.7.5 Furthermore, to achieve active travel targets in Hitchin, it will be necessary to *reduce* road capacity in the town in order to create space and signal time for active travel. That is incompatible with increasing vehicle traffic flows into the town centre.

12.7.6 In short, the proposed interventions are contrary to local and national policies and guidance.

12.8 Recommendations

12.8.1 NHC asks LR to propose interventions that will:

- Increase transport capacity in terms of people-per-hour (rather than vehicles-per-hour).
- Decrease carbon emissions associated with trips to/from LLA.
- Improve air quality in Hitchin (see §10.1010.10).

12.8.2 This may be achieved in three ways:

- Modal shift from car to bus for medium and longer distance travel, including to and from the airport;
- Modal shift from car to active travel for short trips within Hitchin, which will release road capacity for longer-distance traffic;
- Increased car occupancy rates.

12.8.3 Measures that could be considered are set out in §15.3, §16.6, §17.6 and §18.4.

13 Willow Lane

13.1 Willow Lane, on the southern edge of Hitchin, is a commonly used and, at peak times, highly congested shortcut between the A505 and A602 (see Figure 4). The status of this road was noted in the NHTS:[7]

> **Use of unsuitable roads by through traffic**
>
> 3.44 As with most urban areas, there is some evidence that motorists are using unsuitable roads to avoid delays on congested routes. There are many locations where traffic volumes are probably unsuitable for the nature of the road, but the more 'strategic' routes noted in the modelling include:
>
> - Routes through Great Wymondley, by which traffic can bypass delays on the A602 between Hitchin and Stevenage;
> - The B197 through Graveley between Letchworth and Stevenage;
> - Willow Lane in Hitchin, which can be used by east/west traffic to bypass delays on the A505/A602 route; and
> - Stevenage Road, which can be used to bypass congestion on the A602 between Hitchin and Stevenage.

13.2 Any increase in traffic between LLA and the A1 via the A505 and 602 will increase traffic on Willow Lane.

[7] See ED14 in the NHC Local Plan Examination Documents

13.3 This could have safety implications on the A505 if the queue of traffic waiting to turn right into Willow Lane extends beyond the length of the filter lane. The speed limit at this point is 60mph. The back of the filter lane is only 130m beyond the end of the dual carriageway.

13.4 It is unclear if Willow Lane has been included in traffic modelling.

13.5 Recommendations

13.5.1 NHC asks LR to:

- Check that Willow Lane has been included in traffic modelling.
- Propose options for mitigation in case there are safety, air pollution or noise impacts from more traffic trying to use Willow Lane.

14 Traffic calming on diversionary routes

14.1 ETS Paragraph 8.7.4 states:

A series of areas have been identified for potential traffic calming measures, within the rural areas to the north east of the airport. These include Breachwood Green, Whitwell and Great Offley, amongst others. These measures would be provided to dissuade traffic from accessing the airport via existing rural roads, which may be unsuitable for increased volumes of traffic. These are shown within Appendix D – Highway Mitigation Proposals.

14.1.1 The areas of interest are marked (see Figure 5), but no detail is provided on what options will be offered or considered.

14.1.2 The justification for traffic calming measures in villages also applies to towns, where residential streets are liable to be used as rat-runs when main routes become congested.

14.1.3 Stevenage Road through Titmore Green is identified in the North Herts Transport Strategy (2017) as being used to bypass congestion on the A602.[8]

14.2 The SMFR states in §5.3.20 and §5.3.21:

5.3.20 Considering the forecast flow increases on rural routes to the east of Luton Airport, Figure 5.5 shows the forecast routeing of traffic to / from Luton Airport for the existing terminal and the proposed Terminal 2 (in 2039 and 2043). These show that traffic accessing the existing terminal from the east is forecast to use Vauxhall Way and the A505; however, traffic accessing the proposed Terminal 2 is forecast to use more minor routes to the south of the A505. Although this additional traffic is forecast to change some of the routing for the background traffic, via some of the Local roads to the east of Luton such as Lilley Bottom Road, Kings Walden Road and Darley Rd.

5.3.21 With the introduction of Phase 1 of the AAR, a link is provided between the proposed location of Terminal 2 and Eaton Green Road near the junction with Wigmore Lane. This additional access point to the east of Luton is forecast to make rural routes through Tea Green, King's Walden and Preston more attractive than routeing through eastern Luton to access the A505.

[8] See 3.44 of Transport Strategy (north-herts.gov.uk)

14.2.1 NHC is concerned about these findings. They seem not to be reflected fully in the map identifying rural areas of concern, which identifies Tea Green but not King's Walden and Preston (see Figure 5 below).

14.3 Recommendations

14.3.1 NHC asks LR to:

- Include King's Walden, Preston and all other villages on forecast diversionary routes in scope for traffic calming measures.
- Provide a forecast for net changes to flows for both Terminals 1 and 2 combined, so that the full impact can be understood more easily.
- Provide absolute figures for current and forecast traffic levels through villages that will see a significant (> 5%) increase in traffic volumes (daily or peak) owing to LA expansion.
- Provide more detail about what "traffic calming measures" are being considered for the identified villages.
- Expand the geographical scope for identifying where traffic calming measures may be required, to include Hitchin and south-east of Hitchin.
- Outline how local residents, councillors (parish, district and county), schools and businesses will be proactively engaged (e.g. through workshops) to consider options, locations and designs.

15 Bus priority

15.1 The ETS makes no mention of bus priority as a means of increasing road capacity (in terms of people moved per hour).

15.2 The A505 Corridor Study has looked at infrastructure options to support BRT (in reality, that means express bus services) between Luton, Stevenage, Hitchin, Letchworth Garden City, Baldock, Royston. Options included new link roads (town centre bypasses) and junction capacity increases.

15.3 However, the study concludes that such interventions would be unlikely to guarantee significant advantage to bus services in the long term and would, counterproductively, induce demand to travel in private vehicles.

15.4 Recommendations

15.4.1 NHC asks LR to fund researching, modelling, consulting on, trialling and implementing any measures that are deemed effective and proportionate to restraining increased demand to travel by car to/from LLA.

15.4.2 Potential options to reduce congestion by reducing traffic volumes (in line with LTP4 Policy 4) include:

- reallocating lanes to bus-only use;
- creating new bus lanes and bus gates;
- employing smart traffic flow control;
- designating some lanes as multi-occupancy vehicle lanes;
- reducing road capacity where it could relieve downstream congestion;
- building travel hubs;
- increasing parking charges;
- reducing parking availability;

- emission zone charging;
- congestion charging;
- targeted subsidies for public transport;
- grants or interest-free loans to help people purchase cycles (in particular, e-bikes, cargo-bikes and other relatively expensive models);
- personalised travel planning.

16 Public transport

16.1 The ETS includes a number of measures to support increased bus patronage, notably (from Table 6-1):

- Engaging with bus operators to create new and extended routes, better connecting the airport to more places in particular urban areas and transport hubs.
- Explore bus enhancements, including subsidies for east west routes to improve service provision and passenger experience.
- Work with operators to open up new connections and destinations.
- Work with operators to strengthen existing services.

16.2 Funding to pump-prime and support an expansion of bus services is critical to achieve the sustainable travel targets for LR, and provide benefit to residents in north-west Hertfordshire, who will be most negatively affected by the airport expansion.

16.3 Demand Responsive Transport (DRT)

16.3.1 The HertsLynx DRT has proven to be successful at gaining patronage where previously there was no or minimal scheduled service provision.

16.3.2 Note that demand for runs to/from the airport could be high because DRT would compete on price with taxis. As long as this complements, and does not undermine, the service to other destinations, this could, with effective marketing, be a revenue generator, offsetting some or all of the costs of supporting the service across the wider network.

16.4 Express bus services

16.4.1 The Arriva 100 bus service between Stevenage and Luton via Hitchin[9] does not call at Hitchin railway station. The walk between the station and Queen St stops is just over 1km.

16.4.2 The journey time for the 100 service is unattractive, taking over an hour at peak times to travel from Stevenage bus station to LLA (and another ten minutes to reach the Luton Station Interchange).

16.4.3 Alternative routes and service patterns will be needed if bus services are to compete with driving, for airport workers and passengers.

16.5 Travel hubs

16.5.1 Critical to achieving an attractive public transport alternative to driving is integrating services to provide wide coverage and comparable journey times.

16.5.2 This cannot be achieved with traditional bus routes, which are designed to provide wide coverage at the expense of journey times.

16.5.3 Part of the solution is to design bus services around travel hubs (also referred to as 'mobility hubs'), where people can interchange between fast longer-distance services (rail or express

[9] See 100 - Luton - Stevenage – Arriva Herts and Essex – bustimes.org

bus) and first/last mile connections (walking, cycling, local and demand-responsive bus services, taxis, kiss-and-ride and, where appropriate, park-and-ride).

16.6 Informal park-and-ride

16.6.1 There is a concern that the cost of access and parking at LLA will stimulate demand for informal park-and-ride, where a land owner provides parking and a private shuttle bus service. This happens now at Slip End, to the south of Luton. Other sites could pop up elsewhere, including in North Hertfordshire, around the A505.

16.6.2 Companies like JustPark broker rental of driveways and other private land close to railway stations and bus routes. This could grow to account for a significant number of trips to the airport.

16.7 Recommendations

16.7.1 NHC asks LR to propose and fund measures to mode-shift trips from car to bus for:

- Trips to/from LLA (the primary focus of the existing proposals)
- Other trips in the Luton–Hitchin–Stevenage area, on the basis that mode-shifting those trips releases road capacity for new car trips that are more difficult to mode-shift.

16.7.2 With respect to DRT, NHC asks LR to fund:

- Demand modelling to forecast the required resources (vehicles, drivers, back-office, etc), capital investment and revenue support to expand the HertsLynx service zone west to Luton.
- Capital costs of the expansion of HertsLynx.
- Any required revenue support for the western expansion of HertsLynx for long enough to minimise the risk of a cliff-edge reduction in services when that funding ceases.

16.7.3 With respect to express bus services, NHC asks LR to fund:

- Traffic and route modelling to design new express bus service routes between Luton and Stevenage and Luton and Baldock, via Hitchin station and Letchworth. The latter service will cater to people travelling by train from the north and East Anglia, avoiding the delay of travelling to Stevenage to interchange, or walking 1km through central Hitchin.
- Demand modelling to determine appropriate service frequencies and operating hours for express bus services.
- The development of an Enhanced Partnership Agreement covering the new express bus services.
- Pump-priming the new services for long enough to minimise the risk of a cliff-edge reduction in services when that funding ceases.
- Long-term support for unprofitable service times (e.g. early morning and late night), perhaps drawing from the proposed airport road user charge (ETS §7).

16.7.4 With respect to travel hubs, NHC asks LR to fund:

- Research to identify suitable locations for travel hubs to facilitate access by public transport to LLA.
- Scoping, survey, consultation and design work for travel hubs at any locations identified as suitable.
- A contribution towards the delivery of any travel hubs adopted in local authority plans, in proportion to the number of public transport trips they will facilitate along the A505/A602 corridor.

16.7.5 With respect to informal park-and-rides, NHC asks LR to:

- Monitor and work with planning authorities to manage informal park-and-rides.
- Make an appropriate correction to the number of DART, bus and taxi passenger arrivals where the main travel mode was by private car.

17 Active Travel

17.1 The ETS includes a number of measures to support increased active travel, notably from Table 6-1):

- Contributions towards North Herts Walking and Cycling Infrastructure plan for schemes that improve access to the airport.

17.2 North Herts' LCWIP focuses on the towns and one inter-urban route, between Stevenage and Hitchin. Luton's LCWIP will necessarily end at the borough border. As a result, there is little in the way of evidence or policy to support investment in cycling and walking infrastructure in north-west Hertfordshire.

17.3 If there were safe and attractive cycling infrastructure available to residents of villages between Luton and Stevenage and Hitchin, it would remove some vehicles from the A505 and A602 that are making local trips. This would free up capacity for longer-distance trips, which are the vast majority of those to LLA.

17.4 If there were cycling highways between Luton and Hitchin, and between Luton and Stevenage, these would:

- Support a small volume of inter-urban cycle trips (the 8-mile distance is manageable on an e-bike).
- Enable residents of villages between Luton, Hitchin and Stevenage to cycle into their nearest town.
- Enable those residents to cycle between villages to access local amenities and make social visits.
- Enable residents of the towns to access the villages and countryside. This would bring money into rural pubs, tea rooms, B&Bs, farm shops, etc.

17.5 There would be a large net benefit to the rural area most affected by the airport expansion.

17.6 Recommendations

17.6.1 NHC asks LR to fund:

- Scoping, survey, consultation and design work to develop plans for two cycling highways, one between Luton and Hitchin, and one between Luton and Stevenage.
- A contribution towards delivery of any cycling highways adopted in local authority plans, in proportion to the number of trips they will remove from the A505 and A602.

18 Ride-sharing

18.1 Ride-sharing is the simplest and quickest way to reduce car traffic.

18.2 ETS §6.3.4 states:

The airport has also teamed with liftshare.com to encourage air passengers and employees to save money by sharing fuel and parking costs through car sharing.

18.3 Table 2-2 includes the following statement (our emphasis):

The airport has a few initiatives for employee travel, including liftshare.com accounts, public transport discounts and a Cycle to Work scheme. Recent survey results suggest that these initiatives could be better promoted to employees.

18.4 The London Luton Airport Carshare community was closed as of 14 March 2022, possibly because the subscription to Liftshare lapsed during the COVID pandemic.[10]

18.5 Recommendations

18.5.1 NHC asks LR to confirm how it will fund, incentivise, market and monitor lift-sharing programmes for airport staff and passengers long-term to maximise the take-up of ride-sharing.

19 Route monitoring

19.1 ETS Table 6-1 describes the following measure:

Monitor routes to airport to pick up unintended impacts on local communities.

19.2 Recommendations

19.2.1 NHC asks LR to:

- Agree with NHC and HCC the locations and types of all traffic and air quality monitoring equipment to be deployed in North Herts, including at relevant sites allocated in the emerging and future Local Plans, such as East of Luton (Policy SP19).
- Consider making available a mobile monitoring station to monitor sites of potential concern identified at a later date.
- Agree with NHC a process for reviewing the deployment of monitoring stations to ensure that all affected settlements, now and in the future, are adequately monitored.
- Provide calibrated baseline traffic counts for each traffic monitor, broken out by (at a minimum): car, LGV, MGV, HGV and motorcycle.
- Undertake to manage and maintain all deployed monitoring equipment until at least five years after LLA patronage first reaches 32 mppa, or whatever maximum is agreed as part of the DCO process.
- Re-establish a ride-sharing service, and promote it consistently and effectively to staff and passengers.
- See also recommendations in §4.10.

20 Interventions in Luton

20.1 A505 road schemes

20.1.1 Two major road schemes are proposed in Luton that relate to the A505, for which Strategic Outline Business Cases are being prepared:

- Vauxhall Way Improvements
- Century Park Access Road

[10] See https://liftshare.com/uk/community/londonluton

20.1.2 The DfT wrote to all STBs, including EEH, on 18 January 2022, asking them to re-consider their bids for MRN/LLM funding in the current Spending Review period (to 2025). EEH confirmed on 18 February 2022 that the above two schemes remain a priority.

20.1.3 However, DfT indicated in its letter that it is reviewing all schemes in the current MRN/LLM programme that have not already received approval at the Outline Business Case stage (which neither of the above two schemes has). That means there is now some uncertainty about whether the above two schemes will receive central government funding before 2025.

20.1.4 This therefore challenges the statement in ETS §3.9.3, that this scheme is "committed":

> *When considering the transport impacts of the DCO application, the schemes listed above are considered to be committed schemes. In other words, they are assumed to be in place by 2027 whether the airport expansion proposals proceed or not.*

20.1.5 DfT indicated that a key factor in reassessing schemes is the increased priority to decarbonise road transport, reflected in the increased costs of carbon now used in Value for Money appraisal.

20.1.6 Increasing road capacity will, all else equal, accommodate and induce more road traffic, leading to an increase in carbon emissions.

20.2 Park-and-ride

20.2.1 The Strategically Important Roads Update report to the EEH Board on 24 September 2021 states, in relation to the Vauxhall Way Improvements:[11]

> *The scheme will provide an important bus route link to a proposed park and ride/mobility hub and hence more sustainable transport options for the airport, business expansion and other allocated employment sites in the Local Plan, helping to avoid traffic using less suitable roads in the area.*

20.2.2 Luton Local Plan policy 11.12 describes the park-and-ride facility thus:

> *The Local Plan will consider Park and Ride facilities at land south of Stockwood Park adjacent to Junction 10a and at Butterfield to intercept car journeys to employment locations in the East Luton Corridor area as well as to the town centre. Further sites around the periphery of the Luton/Dunstable/Houghton Regis conurbation, but outside the borough boundary, are being considered by adjoining local authorities. To maximise passenger transfer, significant investment will be made in bus priority measures for those corridors served by Park and Ride sites.*

20.2.3 There appears to be no mention in ETS or PEIR2-18 of any park-and-rides or mobility hubs, at Butterfield Business Park or anywhere else. This appears to be a significant disconnect between the LR Transport Strategy and the Luton Local Plan.

20.2.4 In any case, the creation of a park-and-ride car park will not necessarily reduce carbon emissions. Analysis of existing and planned park-and-rides elsewhere shows that they increase carbon emissions, concentrate traffic on approach roads to the park-and-ride, and undermine local bus services by abstracting passengers to park-and-ride services.

[11] See page 7 of Agenda Item 6: Strategically Important Roads Update, 24 September 2021 (englandseconomicheartland.com)

20.3 Recommendations

20.3.1 NHC asks LR to:

- Acknowledge that there is now uncertainty about the delivery of the A505 road interventions in Luton.
- Acknowledge that increasing capacity on this part of the A505 is likely to induce more trips along the A505 to the east of Luton, potentially impacting traffic in Hitchin.
- Consider working with LBC to re-specify the Vauxhall Way Improvements schemes to create segregated routes for buses and active travel, rather than increasing road capacity for general traffic.
- Provide clarity on whether LR has considered park-and-ride to be part of the future transport solution for the airport.
- Model the demand for use of a park-and-ride at Butterfield Park (with whatever capacity LBC envisages) and impacts on traffic using the A505.

21 Figures

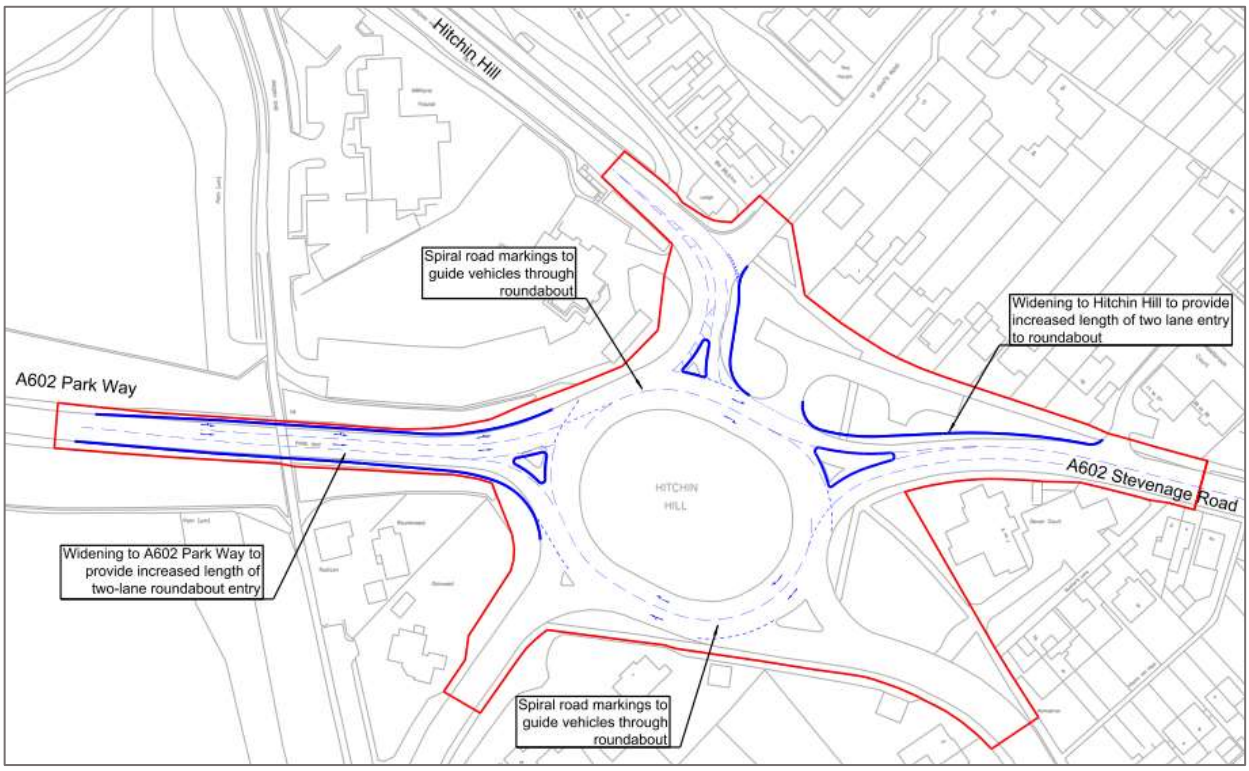

Figure 1: Hitchin Hill roundabout

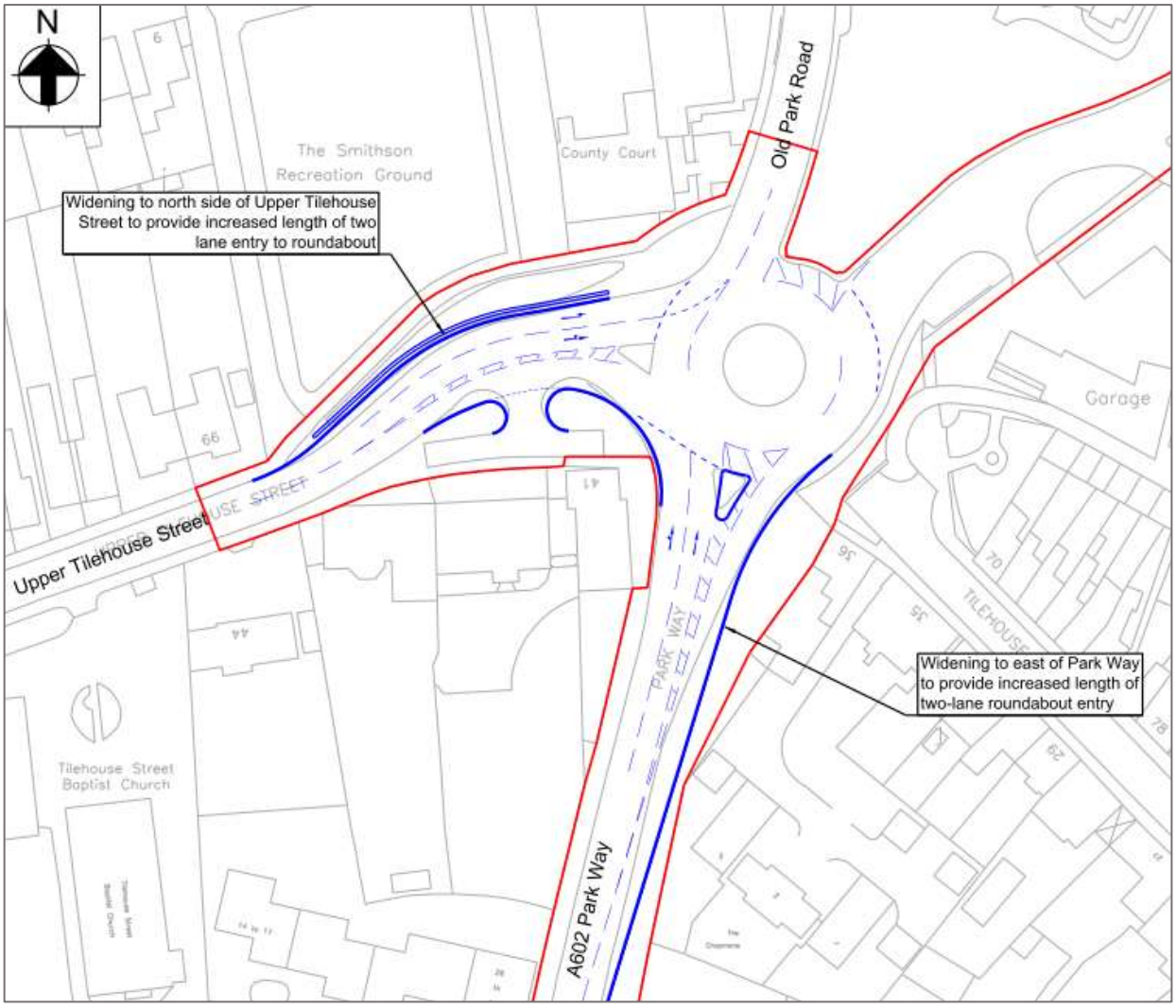

Figure 2: A602–A505 roundabout

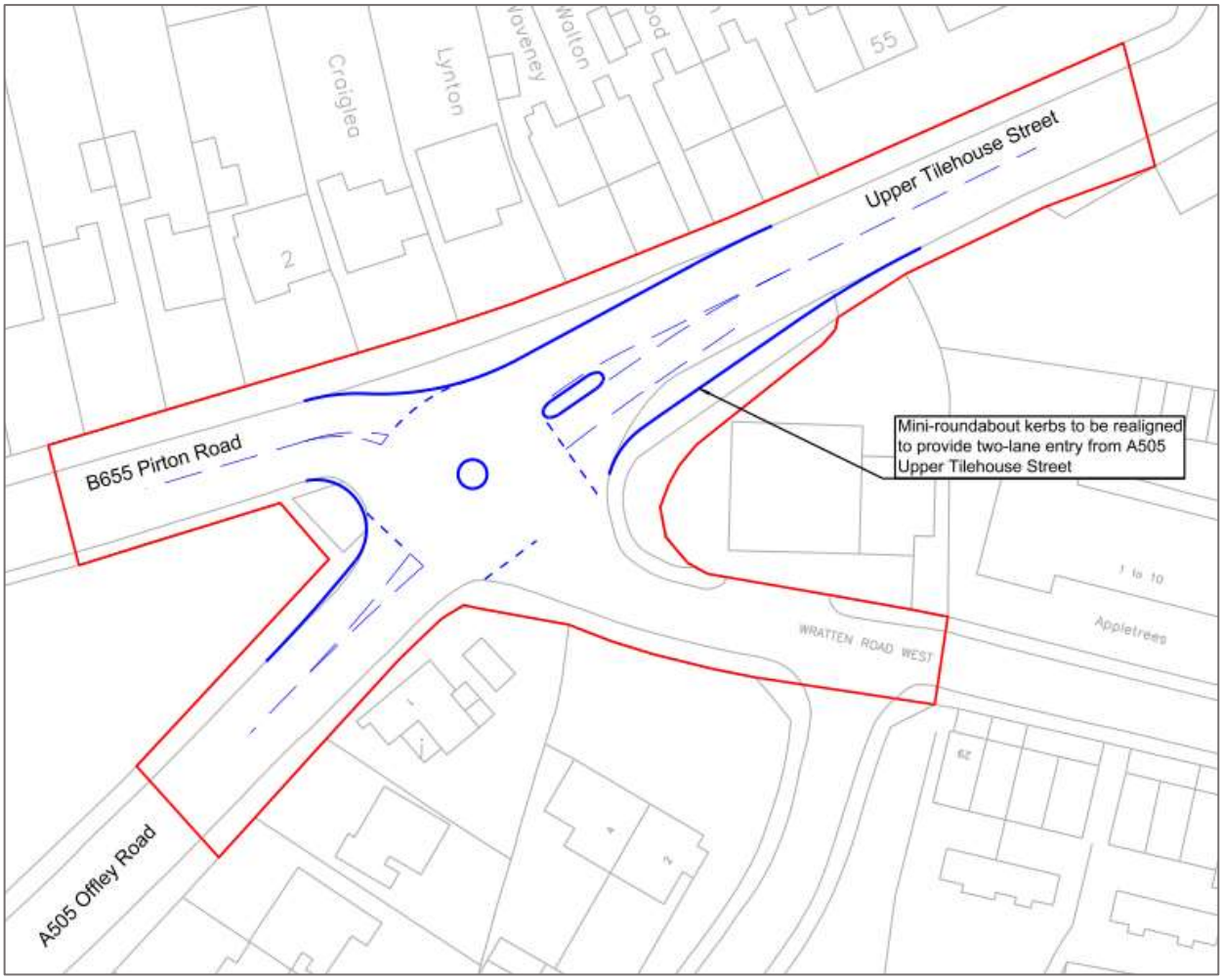

Figure 3: A505–B655 mini roundabout

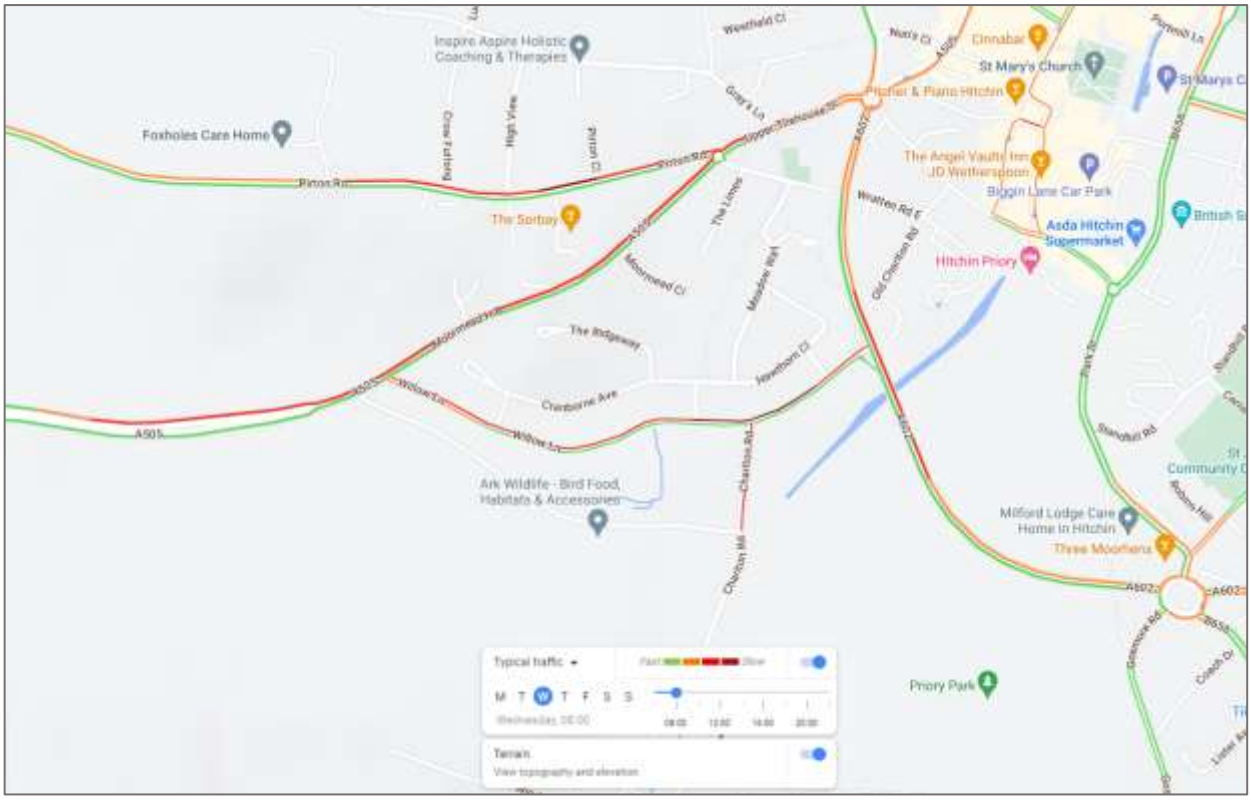

Figure 4: Typical traffic flows at 08:00am on Wednesdays – from Google Maps

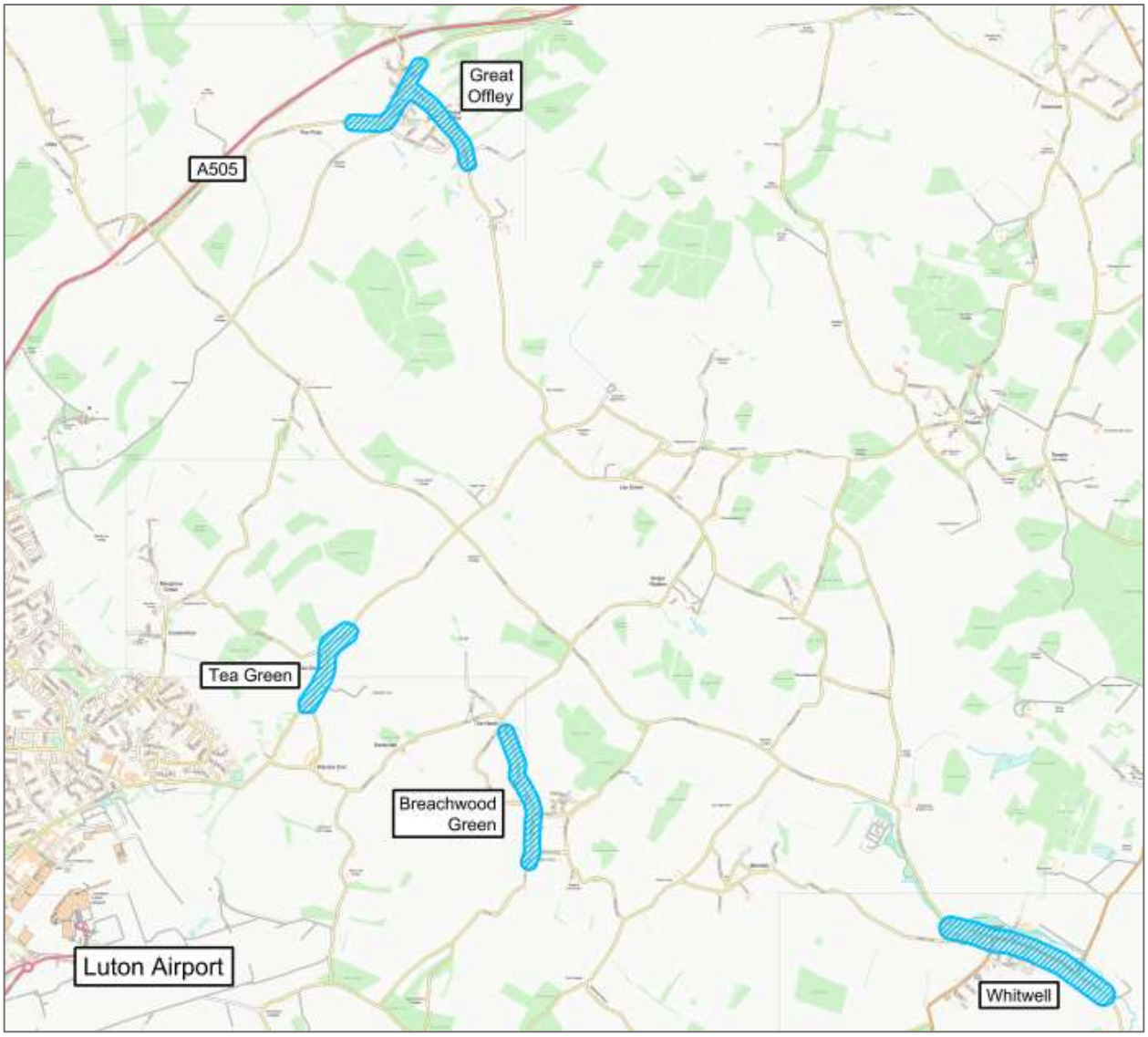

Figure 5: Areas identified in the ETS for traffic calming measures, from Appendix D

Town and Country Planning Act 1990 – Section 77

Town and Country Planning (Development Management Procedure) (England) Order 2015

Town and Country Planning (Inquiries Procedure) (England) Rules 2000

PINS Reference : APP/B0230/V/22/3296455

Application by London Luton Airport Operations Limited for the variation of conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours. (Application number: 21/00031/VARCON)

Written Representation on behalf of :-

Hertfordshire County Council

North Hertfordshire District Council

Dacorum Borough Council

St Albans City and District Council

22 May 2022

1.0 Introduction

1.1 Vincent and Gorbing ("V+G") is a planning consultancy based in Stevenage, Hertfordshire and has been instructed by Hertfordshire County Council ("HCC"), North Hertfordshire District Council ("NHDC"), Dacorum Borough Council ("DBC") and St Albans and City District Council ("SADC") to make a Written Representation to the public inquiry into the planning application made by London Luton Airport Operations Limited ("LLAOL") reference 21/00031/VARCON to change a number of planning conditions on the extant planning permission which presently controls operations at the Airport, including in relation to passenger numbers and noise. The authorities welcome the decision of the Secretary of State to call-in the application and to consider the matters set out in the call-in letter dated 6 April 2022.

1.2 For simplicity, in this statement the four local authorities are collectively termed "the authorities."

1.3 London Luton Airport lies outside of the boundaries of the authorities' respective administrative areas but is located close to their borders: Dacorum Borough broadly to the south and west; St Albans to the south; North Hertfordshire District to the east; and Hertfordshire County as the upper tier authority in which DBC, NHDC and SADC are located enveloping Luton Borough Council (the LPA and a unitary authority) broadly to the east and south.

1.4 Moreover, the operation of the Airport impacts on the communities within the authorities' administrative areas in a number of ways, but most obviously as a result of noise from over-flying aircraft. In addition the authorities are affected by vehicular traffic accessing the Airport, impacting on the local highway network in respect of congestion, air quality and noise. A range of other environment effects are experienced within the authorities' areas as a result of the close proximity of the Airport. The Airport also emits Green House Gases (GHGs) as a result of ground operations, traffic and aircraft movements. Each of the authorities has declared a climate emergency and have local strategies to achieve net zero. The Airport's operations negatively impact upon the Chilterns AONB within Hertfordshire and beyond.

1.5 Hence the authorities have a significant interest in both the current and future operation of the Airport.

1.6 This statement follows on from a number of submissions made to the LPA during the consultation on the application prior to its resolution of approval. Whilst it is assumed that these will be provided to the Inspector as part of the Inquiry process, they are appended to this statement for ease of reference and comprehensiveness as follows:-

Appendix 1 HCC response to the application comprising a letter from Councillor Stephen Boulton dated 11 June 2021;

Appendix 2 HCC response to the application comprising a letter from Councillor Stephen Boulton dated 27 October 2021;

Appendix 3 HCC response to the application comprising a letter from Councillor Stephen Boulton dated 25 November 2021;

Appendix 4 DBC response to the application comprising a letter from James Doe dated 7 February 2021;

Appendix 5 NHDC response to the application comprising a statement prepared by V+G dated 12 August 2021;

Appendix 6 NHDC response to the application comprising a statement prepared by V+G dated 1 October 2021;

Appendix 7 SADC response to the application comprising a letter from Tracy Harvey dated 21 April 2021.

1.7 This statement does not seek to repeat the detail of the above representations and they should be considered as forming part of the authorities' submissions to this Inquiry.

1.8 The Secretary of State will be aware that the owner of the Airport ("Luton Rising" or "LR") has separate plans to increase the throughput of the Airport from 18 to 32 million passengers per annum (mppa). Given their scale, these proposals are a Nationally Significant Infrastructure Project ("NSIP") under the Planning Act 2008. The proposals have been subject to two rounds of Statutory Consultation and authorities in Hertfordshire have made representations to this process. This is relevant to this application insomuch as LR is proposing new control measures as part of these expansion plans, including the implementation of a managed environment growth

regime that they have called "Green Controlled Growth". The principles of this regime are generally supported by the local authorities around the Airport and it is considered that if the growth to19 mmpa is permitted, this regime should be introduced as a condition of permission being granted in advance of the progress of the proposed NSIP. This is discussed further below.

2.0 The Authorities' position

2.1 Each of the four authorities raised objections to this application and the aforementioned appended representations set out the reasons for objection. The key issues raised by the authorities are summarised in Section 4.

2.2 In broad terms, the authorities consider that the proposal is contrary to the development plan in respect of the accepted significant adverse effects on the communities around the Airport as a result of increased noise. Moreover, the alleged economic benefits that would weigh against such negative effects in favour of the application proposal have not been quantified or justified and are not considered sufficiently significant to outweigh the harm, even were such a balance to be considered appropriate. The authorities have equally expressed their objection on the basis of the impact of the proposals on climate change objectives. Specific issues have been raised on other issues including *inter alia*, air quality, surface access and travel plan targets and impact on the Chilterns Area of Outstanding Natural Beauty.

2.3 The authorities share a common view that should the Secretary of State decide to approve this application clear and enforceable controls are required to ensure that the conditions as varied are not breached, as has been the case in respect of current controls, and that a range of control documents should be agreed now rather than left to future approvals.

3.0 Structure of the remainder of this statement

3.1 The remainder of this statement considers the following matters :-

- The key issues for the authorities in considering this application;
- Changes in context since the authorities made their representations including the overall context of national aviation and climate change policy, which has 'moved on' since the representations made by the authorities to the application;
- Issues which the authorities consider need to be resolved through the public inquiry process;
- Compliance with the development plan;
- Material considerations
- Overall planning balance
- Further engagement.

4.0 Key Issues raised by the authorities

4.1 The key issues for the authorities can be summarised as follows.

History of breaches of existing conditions, future baseline, 'reasonable alternatives' and outstanding technical issues

4.2 Part of the reason for this application being made is that controls set out in the "parent" consent to limit passenger throughput and the noise envelope were, from 2017 until the impact of the Covid-19 pandemic in 2019/early 2020, being breached. In effect, the reason a 19 mppa proposal is seen by LLAOL as being required to facilitate additional throughput in advance of 2027/8 (the timeframe within which the operator was supposed to reach 18 mppa had the terms of the consent been honoured) is that it has failed to manage its operations in accordance with the terms of the 2014 planning consent. The authorities object to this approach as it implies that there is no option but to allow the Airport to grow.

4.3 This approach has implications for the way in which the environmental assessment of the proposals has been undertaken as it goes to the heart of the concept of 'reasonable alternatives.' LLAOL accept that the only potential alternative to the proposed variation to conditions is to continue to operate at the 18 mppa cap, although argues that *"to progress with this alternative would not have delivered the anticipated economic growth."* (para. 2.3.3) As we set out below the economic impacts of the proposed increase in passenger number has not been quantified and failing to achieve economic growth is no justification for arguing that the existing cap is not a reasonable alternative.

4.4 The ES goes on to state that to achieve the alternative would mean that *"restrictions would have to be placed on airlines to be confident that compliance with conditions attached to the 2014 Planning Permission was achievable"* and that *"Furthermore, without restrictions on airlines there would be a risk of repeated breaches of Condition 10. As such, the 'doing nothing' option was not considered to be a reasonable alternative."* (para. 2.3.3)

4.5 This suggests that LLOAL believe that that if the proposed changes are not permitted, any restrictions themselves would not be reasonable and in all likelihood breaches would simply continue.

4.6 Although the 18 mppa cap is used in the ES as the 'do-nothing' it is indicative of the approach of LLAOL to suggest that the planning regime should simply be adjusted to meet their operational requirements rather than seek to quite reasonably control them. It is also an issue of significant contention for the authorities (see Appendix 3) and others that have made representations to the application that because of previous breaches there is a lack of clarity as to the future baseline and consequentially between the with/without development scenarios and therefore clarity in relation to the baseline from which the impacts of the proposal are then assessed.

4.7 A number of detailed technical concern/queries, including and particularly the baseline issue, have been raised by the authorities and by other third parties (in particular LADACAN who will no doubt participate in the Inquiry process) that remained unresolved when the application was reported to LBC Development Management Committee.

Noise and health

4.8 If this application were to be approved, in the worst case scenario, in advance of 2028 it would expose an additional:

Daytime

- 2,430 households/5,721 people to levels of noise above which adverse effects on health and quality of life can be detected (a 17% increase) and 85 households/252 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- 5,416 households/13,087 people to levels of noise above which adverse effects on health and quality of life can be detected (a 28% increase) and 724 households/1,743 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 61% increase).

- 1,877 dwellings to a notable exceedance (by at least 1 dB) of the SOAEL criteria in the night-time which are assessed as being significant.

Beyond 2028 it would expose an additional:

Daytime

- 273 households/683 people to levels of noise above which adverse effects on health and quality of life can be detected (a 3% increase) and 49 households/99 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- 4,040 households/9,509 people to levels of noise above which adverse effects on health and quality of life can be detected (a 26% increase) and 373 households/922 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 37% increase).

4.9 The authorities object to this application on the basis of the impact of noise on the health and well-being of the local community. A much greater number will be impacted by noise and overflights more generally (summarised in paragraphs 8.11-8.13 of Appendix 1) , and noise sensitive locations such as primary schools, care homes and churches will be impacted, as well the enjoyment of public open space within the areas around the Airport.

4.10 Many of these residents will be in the administrative areas of the authorities represented here; in areas that have already seen an adverse impact on amenity, health and well-being due to the rapid increase in passenger numbers and Air Traffic Movements (ATMs) at the Airport in recent years. The fact that the increase in ATMs was much more rapid than forecast has meant that 'fleet modernisation' with quieter aircraft being gradually introduced has failed to compensate for the greater number of aircraft over-flying the surrounding areas.

4.11 The applicant's ES accepts that the proposals to increase passenger throughput will have significant adverse noise impacts on health and quality of life. It proposes mitigation in the form of noise insulation, and argues that all impacts are thus addressed and the proposals are therefore acceptable. However, it also accepts that the proposed mitigation will only minimise the noise when windows are closed and there remains a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

4.12 Indeed, it is inevitable that most people will always need to or want to have their windows open for ventilation purposes at various times, including at night. The vast majority of existing properties have no other means of ventilation and even at new properties that might be built taking account of the noise climate, the Airport's activities should not prevent the ability of residents to enjoy fresh air within their dwellings and within private and public open spaces. It is therefore considered that receptor based sound insulation that relies on windows being closed is a serious admission that the amenity of residents will not be protected if this proposal is permitted.

4.13 We also consider that the assumptions underpinning the noise assessment need to be fully scrutinised. The failure of previous assessments to accurately predict matters such as fleet mix, passenger numbers, aircraft type and ATMs is a fundamental reason for changes to conditions. As noted above, passenger numbers and ATMs were allowed to increase more rapidly than previously forecast and this meant that noise limitations were breached. The Inspector and SoS should be convinced that the assumptions as to fleet modernisation in particular are robust.

4.14 Fundamentally, however, in respect of noise impacts, the proposals are contrary to NPPF para. 185 which requires that development should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life."* It is also contrary to Luton Local Plan policies LLP6 and LLP38 (discussed further below).

4.15 The proposed changes to noise contours also contradict commitments made by LLAOL in their Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP). Key Performance Indicator 3 states that LLAOL will, with respect to the night-time contour *"Limit and where possible reduce the population within the contour over the course of the action plan."* At Section 3 LLAOL state that "*Where restrictions are in place we are focused on ensuring that they are adhered to fully."* Item 3.4 states that LLAOL will *"operate within our agreed contour area limits"* whilst item 3.5 states that they will *"Develop a noise contour reduction strategy to define methods to reduce the area of the noise contours."* The proposals run entirely counter to these commitments.

4.16 The implications of the proposed increases in noise levels including adverse health outcomes were considered by Luton Borough Council ("LBC") as the Local Planning Authority ("LPA"). As set out in the LPAs assessment in their officers' report to the Development Management Committee of 30 November 2021:-

"Since the proposed variation to the capacity cap and noise conditions will see more people exposed to daytime and night-time noise levels between the LOAEL and SOAEL and also above the SOAEL, the ESA notes that this is likely to have some

adverse health effects, with additional cases of, amongst other things, hypertension, stroke, heart disease, as well as annoyance and sleep disturbance, impacting upon the population's health and wellbeing.

The ESA notes that these adverse health effects are of moderate significance in 2022 (the worst case year) as well as 2028 (the year in which noise reduction was required to have been achieved by the 2014 planning permission. The ESA recognises that mitigation for all those exposed to these adverse health effects will not be achieved, since windows and doors will not always be closed, whilst it will also not be possible to insulate all properties that are eligible under the Noise Insulation Scheme within the period that they will be most exposed to noise." (para. 164 and 165).

4.17 Given the above analysis, the authorities object to the proposal on noise and health and well-being grounds.

Noise Insulation scheme

4.18 Given the above harm, the LPA has rightly considered that the Noise Insulation Scheme is not 'mitigation' but 'compensation' and that it will only partially prevent the adverse effects arising. As stated at paragraph 129 of the Officers Report:-

"The airport's noise insulation scheme will contribute significantly to mitigating the noise effects for those who currently experience noise above the SOAEL and those who as a consequence of the expansion will experience noise above the SOAEL. However, it is recognised that the roll out of the programme is such that not all dwellings that will experience adverse noise impacts will be able to be insulated prior to those impacts occurring, consequently it is considered that the measures proposed are compensation rather than mitigation."

4.19 In our submission, this is a fundamental flaw in respect of the application proposals. The Noise Insulation Scheme cannot and does not make the proposals compliant with the development plan.

Air Quality

4.20 The authorities continue to have concerns as to the impact of the proposals on air quality in their respective areas. Whilst the proposals to improve public transport use as part of a new travel plan are welcomed, they are highly aspirational. Both NHDC (Appendix 5, paragraphs 22 – 25) and DBC share concerns that the cumulative impact of traffic to the east and west of the Airport respectively has the potential to generate air quality issues.

4.21 Whilst the authorities do not necessary doubt the finding in the ES that the proposal will not have any unacceptable impact on air quality, they share a view that the applicant should provide an Air Quality Plan (AQP) to be subject to scrutiny and taken into consideration in determining the application. The Plan would be incorporated into any consent, should one be forthcoming, and any limits incorporated into a Green Controlled Growth control mechanism, were this to be progressed. If this arrangement is not forthcoming, the provision of an AQP should be secured by way of condition.

Economic Benefits

4.22 No-where in the planning application documents are the economic benefits of the development properly enumerated, or any analysis provided of the negative economic impact of maintaining current operational levels at the Airport.

4.23 The application makes general and indeed contradictory claims about the extent of alleged economic benefits of the proposal. Paragraph 8.1.9 of the Planning Statement concludes that there are 'significant' economic benefits:-

'8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa ……"

4.24 This compares to paragraph 6.4.3 of the same document which simply described that there will be 'more' economic benefits:

'6.4.3 The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission).'

4.25 The ES is even less clear as to the benefits - there *'could be potential for beneficial affects'*:-

'4.4.34 The 2012 ES assessed the effects upon employment and the local economy during operation of the 2014 Planning Permission as substantial and significant. There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers.'

4.26 No attempt is therefore made to define the scale of economic benefits and how they would be distributed within the local, regional or national population. It is therefore impossible to reach the conclusion that the economic benefits outweigh the environmental harm, were this to be considered an appropriate balance to be struck. This is a clear and significant failing of the application.

4.27 Indeed it is difficult to understand how the planning statement considers that there will be 'significant economic benefits.' LLAOL themselves accept that such economic benefits would not be significant since socio-economic impacts have been scoped out of the EIA process (ES, para. 4.4.33 – 4.4.36). Whilst the ES states that *"There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers"* the fact is that LLAOL have scoped out this effect, on the basis that, as with all scoped out topics, *"there is limited scope for likely significant effects as a result of the Proposed Scheme"* on this topic. (4.4.9)

4.28 The failure to properly consider the extent of economic benefits was also evident in the Officer's Report to committee. The report simply provides generic statements about the economic benefits of aviation and of the Airport and makes unsubstantiated judgements in this regard:-

'Real social and economic benefits will be delivered to the local area and sub region which weigh heavily in favour of the proposed development and should be given significant weight.' (171)

'It would therefore be likely that the proposal, which involves a variation to the original permission for the expansion of the airport, would have a significant benefit to the wider area.' (169)

'……that the proposed development would have significant beneficial effects for not only the local economy within Luton, but also within the wider area'. (169)

'It is considered that real economic benefits will be delivered as a result of the expansion proposals, and these weigh heavily in favour of the proposed development and in accordance with the NPPF should be given significant weight'. (211)

4.29 The authorities remain of the view that these unsubstantiated 'real', 'significant beneficial', 'weigh heavily in favour' judgements are not evidenced by any of the material presented in the planning application and hence are manufactured, misplaced and potentially misleading.

Surface access

4.30 The Environmental Statement and Transport Assessment set out that the increase from 18mppa to 19mppa will result in a worse-case minor increase in traffic flows of 3.7% in the AM peak and 3.2% in PM peak between the 2019 and 2024. They further state that in discussions with Highways England and LBC, it was established that this level of flow increase is unlikely to have a significant impact on the operation of the network and as such does not warrant any further detailed transport modelling analysis at this stage.

4.31 However, the authorities remain concerned about *any* increases in traffic associated with the increase in passenger numbers. As it has been agreed between the aforementioned parties that no further modelling is necessary, it is not possible to determine whether there would be any impacts on the local highway network. In addition, in previous comments through the DCO consultation process, the authorities have made clear their concerns regarding the cumulative impacts of growth at the Airport with significant residential development proposed in close proximity to Luton. Additional passenger growth will exacerbate any potential cumulative impacts.

4.32 Whilst the aspirations of the travel plan are welcomed, the authorities remain concerned that east-west public transport is significantly less well developed than north-south and this will result in a disproportionate impact on the highway network with the authorities' areas. In particular, the authorities remain seriously concerned as to the potential impact of additional passenger numbers on traffic and air quality conditions at specific locations, including, in the case of NHDC, in and around Hitchin, which are not considered at all in the application documentation. As set out further below, the authorities consider that growth should be managed to the extent that failures to meet the targets in the Travel Plan should result in controls on aircraft and passenger number until such time as the targets are met.

Impact on carbon commitments

4.33 The authorities are concerned that the proposal may not be compatible with national Net Zero commitments on Greenhouse Gas emissions. At a local level, all four authorities have declared a 'climate emergency.'

4.34 On 21 May 2019, NHDC passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. This declaration asserted the Council's commitment toward climate action beyond government targets and international agreements. The Council also has a Climate Change Strategy that has been reviewed in 2021 to align the strategy with latest research regarding the impact of climate change. The new strategy contains an action plan, which sets out how NHDC aim to achieve a carbon neutral position by 2030.

4.35 DBC declared a climate and ecological emergency in July 2019 and made a pledge to become net zero by 2030. Although recognising wider carbon emissions are outside of its direct control, it has also pledged to support the borough to become net zero by 2050 working alongside other stakeholders. DBC recently published a draft Climate and Ecological Strategy and Action Plan for consultation.

4.36 HCC also declared a climate emergency in July 2019 and subsequently published the 'Sustainable Hertfordshire Strategy.'

4.37 SADC similarly declared a climate emergency at that time July and pledged to make the District carbon neutral by 2030. A Sustainability Strategy and Climate Crisis Action Plan has been produced and sets out all the actions the Council are taking over the period 2020 - 2023 to improve environmental sustainability and begin the process of reducing emissions as close to zero as possible.

4.38 In particular, the Airport's Carbon Reduction Plan should form part of the consideration of this application and should be more than simple aspirations. Moreover, it should go beyond cuts in emissions associated with Scope 1 and 2 and consider how the Airport can better influence emissions which are out of their direct controls (namely aircraft movements and vehicle movements to and from the Airport). In our submission it is an essential pre-requisite that should be considered now rather than be left to a future planning condition.

Impact on Chilterns Area of Outstanding Natural Beauty

4.39 The authorities have a particular concern regarding the impact of overflying on the Chilterns Area of Outstanding Natural Beauty and the Chilterns Beechwoods Special Area of Conservation (SAC) and are aware of representations made by the Chilterns Conservation Board.

4.40 The Chilterns AONB is nationally protected as one of the finest areas of countryside in the UK. Public bodies and statutory undertakers have a statutory duty of regard to the purpose of conserving and enhancing the natural beauty of the AONB (Section 85 of Countryside and Rights of Way Act 2000). The Chilterns AONB lies less than 3 miles from the Airport. The final approach to the runway is directly over the Chilterns AONB. Much of the closer area that is not designated AONB is in the setting of the Chilterns AONB. The Airport's operations have serious impacts on the tranquillity of the nationally protected landscape of the Chilterns AONB which given the increase in noise proposed by this application, will clearly be made worse.

4.41 As per paragraph 176 of the National Plan Policy Framework, *"great weight should be given to conserving and enhancing landscape and scenic beauty of…..Areas of Outstanding Natural Beauty which have the highest status of protection in relation to*

these issues." The authorities consider that the proposals are generally inconsistent to this ambition.

Future Control documents, monitoring and compliance

4.42 As highlighted earlier, mitigation of the environmental impacts of the development rely on a number of further documents, some of which are submitted for approval as part of the application (Car Parking Management Plan, Travel Plan) and some of which are not (Noise Reduction Strategy, Carbon Reduction Plan). However, all of these documents are critical to the acceptability of the proposal and should therefore be approved as part of the application. Without them being considered in detail and approved at this stage, there can be no reliance on the conclusions of the ES in terms of the significance of related environmental effects. There is a clear parallel with Development Consent Orders where compliance with certified documents is a requirement of the Order itself and allows the robustness of the mitigation proposed to be properly considered through the decision making process.

4.43 We do not consider that strategies and plans on which the acceptability of the proposals relies can be left to future consents. Detailed and viable targets in respect of matters such as carbon reduction, modal shift and noise reduction should and must be approved as part of the application now before the Secretary of State. Notwithstanding, each of these mitigation/compensation strategies must include clear, robust and funded monitoring arrangements and penalties and remedial actions for non-compliance or non-achievement of targets, agreements, or other criteria.

Green Controlled Growth

4.44 The application is underpinned by an expectation that the aviation sector and LLA particularly will recover from the pandemic such that the Airport will be operating at 18 mppa by 2023 and 19 mppa by 2024, should planning permission to be granted. The application contains a range of assessments based on this growth timeline.

4.45 Should the Secretary of State decide to approve this application, the authorities consider that it is necessary to integrate the principles of 'environmentally managed growth' into future expansion, providing a framework of controls to be put in place to allow growth whilst securing the intended environmental safeguards and surface access controls. This is particularly important in the context of an applicant with a poor track record in managing its operations in a manner that accords with planning conditions and other restrictions imposed upon the extant planning permission.

4.46 This approach is being taken by LR in developing its DCO proposal. As part of its statutory consultation in early 2022 LR published its draft 'Green Controlled Growth' (GCG) strategy. Given the historic failure of LLA to manage its operations to respect environmental limits, the authorities are of the view that such an approach should be required for this 19 mppa proposal – to ensure that key 'limits' in relation to noise, surface access modal splits, air quality, and GHG emissions are set and respected. This is similar to the Environmentally Managed Growth (EMG) approach at Heathrow. The approach embeds environmental and surface access targets into future management of growth/operations – and to limit growth if these limits/targets are not met. It also provides clarity on scrutiny arrangements and enforcement responsibilities.

4.47 The planning application assesses all four of these themes and considers whether limits or targets would be appropriate and if so, what these should be and the extent to which and how they should be integrated into any consent. With regard to air quality, the implications of the proposal in terms of air quality are claimed to be minimal and as a consequence there is no requirement for the consent itself to set specific limits. With regard to Carbon/GHG emissions the application similarly maintains the application does not raise any significant issues but also states that this is based on the provision of an outline Carbon Reduction Plan to inform the decision-making process and subject to a full CRP being produced post-decision. With regard to surface access the planning application proposes to introduce a new Travel Plan (TP) through amendments to Condition 24 and the TP contains a range of new modal share limits and targets. With regard to noise the application proposes amendments to Condition 10 to restrict noise contours and require the submission of a Noise Reduction Strategy. There are in-built assumptions being made about how the Airport will perform in relation to noise, surface access and Carbon/GHGs – though some of these are subject to the future preparation of control documents.

4.48 Should the SoS elect to approve this application he should ensure that there are clear, robust and enforceable mechanisms in place to manage operations in a way that respects any new planning consent and the assumptions and limits incorporated within it. The GCG approach to growth being conditional upon satisfying environmental and surface access limits is a mechanism that should have been explored at the application stage; we would ask the SoS to require this to be provided by the applicant as part of the application, to be considered in the context of whether planning permission should or should not be granted, as future enforcement is key to the acceptability of the proposals going forward.

5.0 Changing context since representation were made

5.1 As highlighted previously, to some degree, circumstances and context have changed since the authorities made their own representations, annexed hereto, although fundamentally their concerns are largely undiminished.

<u>National aviation and climate change policy</u>

5.2 The representations to the application highlighted the ‘state of flux’ of national aviation policy and that a decision on this application is problematic until the resolution of the apparent conflict between aviation policy and Government climate change aspirations.

5.3 It is accepted that at the present time there is government policy support for the principle of airports making best use of their runways, as set out by the government in Making Best Use of Existing Runways (June 2018) (“MBU policy”) alongside the proposals for a new runway at Heathrow set out in the Airports National Policy Statement (ANPS). The Government confirmed this in the July 2021 Jet Zero consultation, although it is emphasised that Jet Zero was just that - a consultation. It is understood that a new Aviation Strategic Framework will be published by the Government shortly and the final Jet Zero Strategy to follow later in the year.

5.4 The Inspectors in the recent Bristol Airport appeal decision considered the weight to be accorded MBU, as some parties to that appeal had argued that it should be afforded limited or no weight as it pre-dates the Government’s adoption of the 2050 net-zero

target and the Sixth Carbon Budget in June 2021, and was published before the inclusion of international aviation in domestic targets. The Inspectors concluded that:-

"Certainly, these are material considerations, and are issues which may or may not change the policy approach in the future. But MBU itself recognises there is uncertainty over climate change policy and over international measures, and notes that therefore matters might change after its publication." (Para. 72 our underlining)

5.5 The Inspectors concluded further that :-

"While there are many who may disagree with the direction of current Government aviation policy and specifically the approach set out in MBU, it is not the role of the Panel to question the merits or otherwise of current Government policy. APF and MBU therefore remain the most recent national policy statements and as such are material considerations. Though matters have to an extent moved on this does not make policy out of date." (Para. 74, our underlining)

5.6 It is therefore accepted that at the present time there is national policy support for the principle of making the best use of the existing runway at Luton. However, this is clearly only one factor in the overall planning balance, it is not a presumption in favour of development. MBU policy itself recognises that the development of airports can have negative as well as positive local impacts, including on noise levels and that "any proposals should be judged by the relevant planning authority [or in this case, the SoS], taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations." (Making Best Use of Existing Runways (June 2018), para. 1.29)

5.7 We also accept that at the present time there is no apparent Government appetite for demand management in the aviation sector to be part of the toolkit to achieve net zero by 2050, with the draft Jet Zero consultation instead focussing on system efficiencies, Sustainable Aviation Fuels, zero emission flight, markets and removals and influencing consumers. This is clearly a national political as well as a policy issue. However, the Climate Change Committee's Report of October 2021 on the Government's Net Zero strategy criticised this, commenting that:-

"There is less emphasis [in the UK's Net Zero Strategy] on consumer behaviour change than in the Committee's scenarios. The Government does not address the role of…. limiting the growth of aviation demand in reducing emissions, while policies to reduce or reverse traffic growth are underdeveloped. These options must be explored further to minimise delivery risks from an increased reliance on technology and to unlock wider co-benefits for improved health, reduced congestion and increased well-being."[1]

5.8 In short, the exact position with national aviation policy, the weight accorded MBU and potential future changes to this policy in the context of net zero should be considered in the determination of this application at the time of the decision of the Secretary of State, including the Aviation Strategic Framework and Jet Zero Strategy as appropriate.

[1] Climate Change Committee's Report of October 2021 on the Government's Net Zero strategy, Page 4

Recent Aviation Decisions

5.9 There have also been a number of aviation related decisions

- Appeal by Bristol Airport to increase capacity to 12mppa allowed on 2 February 2022 (as noted above), although presently subject to legal challenge[2];

- Approved extension to the runway at Southampton Airport, allowing an increase in capacity from 2mppa to 5mmpa, approved by Eastleigh District Council but subject to legal challenge;

- Appeal by Stansted Airport to increase capacity to 43mppa, allowed on 26 May 2021, subject to a subsequent unsuccessful legal challenge[3];

5.10 These are clearly relevant to the Luton Airport proposals. Both these decisions and the letter on behalf of the Secretary of State in respect of this application have focussed on a number of key issues, some of which are common to the Luton Airport proposals and reflected in the authorities' concerns expressed above.

Chilterns Beechwoods SAC

5.11 A particular concern is raised regarding the potential impacts of the proposals on Chilterns Beechwoods Special Area of Conservation (SAC) which is situated within Dacorum's administrative area. On 14 March 2022 Natural England issued a letter to a number of Local Planning Authorities, including Dacorum Borough Council, raising concerns regarding impacts of development upon Chiltern Beechwoods SAC.

5.12 The Natural England letter notes that visitor survey work has identified a 12.6km Zone of Influence around the designated site, and notes that all planning applications which entail a net increase in dwellings within this zone could lead to an adverse impact on the integrity of the SAC. As such, it is the stated position of the statutory authority that all schemes within the 12.6km zone will now need to be subject to detailed assessment in light of the relevant test of the Habitats Regulations (specifically, Regulation 63), based on this new information. Competent authorities should undertake a screening opinion to ensure that plans and projects will not have a significant adverse effect on the SAC.

5.13 Whilst AQ impacts are not specifically identified as an issue by Natural England, DBC is concerned that synergistic effects comprising in-combination impacts of the recreational pressures highlighted with any AQ impacts that might arise from the proposals to expand the Airport should be assessed and would welcome this matter being considered by the Inspector and SoS.

[2] Appeal Decision APP/D0121/W/20/3259234
[3] Appeal Decision APP/C1570/W/20/325661

6.0 Issues for further consideration through the Inquiry process

Most significant issues

6.1 The authorities are of the view that the most significant issues raised by the application relate to noise impacts (accepted by the applicants and the LPA as causing significant adverse effects), clarity with regard to compatibility with emerging national climate change and GHG emissions policy and the extent to which these should be balanced against the alleged (but unquantified) economic benefits.

6.2 In addition, the authorities' representations raise a wide range of other concerns, summarised above and articulated in their attached representations. Whilst these may not be critical to the decision-making process, the authorities would welcome confirmation, to the satisfaction of the Inspector and the SoS, through the Inquiry process, that the case that there will be no significant impacts is well founded, to include:

- Impact on air quality including in amenity impacts in residential areas close to the Airport and the potential impact on the Chilterns Beechwoods SAC;
- Impact on the surface access network;
- Impact on the Chilterns Area of Outstanding Natural Beauty.

Range of technical issues

6.3 A number of detailed technical concern/queries have been raised by the authorities and by other third parties (in particular LADACAN who will no doubt participate in the Inquiry process) that remained unresolved when the application was reported to LBC Development Management Committee – for example relating to evidenced weaknesses in the calibration and fleet forecasting upon which the noise model and hence noise contours depend and a lack of clarity in relation to how the baseline has been identified against which impacts are measured. The Inquiry process gives an opportunity to further interrogate these issues and the authorities support this robust scrutiny.

6.4 The key technical issue in respect of the environment impact assessment process that remains to be resolved is in relation to how the baseline has been identified against which impacts are measured, given the persistent breaches of existing planning conditions and how this might be controlled in the future if planning permission is not forthcoming. A similar point can be made with regard to economic impacts. Not only is there no assessment of exactly what economic benefits would arise, there is no assessment of the economic baseline in the future should the 18mppa cap be retained as at present. Only with such information can the Inspector and SoS fully consider the 'with and without' scenarios. The authorities respectfully request that this matter is satisfactorily resolved through the Inquiry process.

Control mechanisms

6.5 The authorities have also raised how the operator and the LPA relies on control documents but sees these being largely approved after the grant of permission. The authorities do not agree with this approach, believing these controls are integral to the

acceptability of the proposals. The authorities respectfully request that the process ensures to the satisfaction of the Inspector and the SoS that the proposal would be acceptable in the absence of an air quality plan, carbon reduction plan and noise reduction strategy being in place and integrated into the consent at the point of approval. If that is the conclusion then the authorities would wish to comment further on proposed conditions and the S106 agreement.

6.6 As highlighted earlier, the authorities are disappointed that the applicant and LBC have not pursued opportunities to introduce a GCG approach to growth to make it contingent upon certain environmental safeguards being met. We invite the Inspector and SoS to consider this approach further through the inquiry process.

7.0 Development plan compliance

7.1 A detailed analysis of the compliance of the proposals with the development plan is provided in the representations of HCC Appendix 1 paragraphs 9.4-9.33. The key policy of relevance is Policy LLP6 - London Luton Airport Strategic Allocation.

7.2 Part B. states that *inter alia* that:

"Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

i. they are directly related to airport use of development;'

ii. they contribute to achieving national aviation policies;'

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;'

iv. do not result in a significant increase in Air Transport Movements that would adversely affect the amenities of surrounding occupiers or the local environment (in terms of noise, disturbance, air quality and climate change impacts);'

v. Achieve further noise reduction or no increase in day or night time noise in accordance with any imposed planning condition or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;

vi. include an 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 which will over time result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents and occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise; "

7.3 The authorities consider that the application is not consistent with criteria ii) as a consequence of the significant adverse noise and health impacts and failure to adequately and effectively mitigate for these, which is in itself contrary to national aviation policy, despite the general approach to MBU.

7.4 Whilst the case has been made by the applicant that Air Transport Movements will not significantly increase, nevertheless the increased movements do, however, contribute to the significant adverse noise and health effects that will harm the amenities of surrounding occupiers and the local environment. The proposals are therefore contrary to criterion iv.

7.5 The proposals would not result in a noise reduction or no increase in noise – the opposite is the case – the planning application proposes to increase noise level restrictions of conditions imposed on the parent planning consent. It is therefore contrary to criterion v.

7.6 The applicant has failed to come forward with an effective noise control, monitoring and management scheme as part of the application. As a consequence the application is contrary to criterion vi.

7.7 In respect of criterion vii, the application is partly generated by the inability of the Airport to run its operations in accordance with the noise restrictions placed upon its parent consent and the likely continuing breach of that consent in the short-medium term. In the longer term, the existing planning permission to 18 mppa requires the applicant to submit a strategy to reduce the size of day and night noise contours by 2028 to within specific spatial extents. This application seeks to amend the parent consent to enlarge those 2028+ contours. So in the longer term, whilst a reduction in noise contours is to be achieved in the same way as the existing planning permission, that reduction will be smaller than that required by the existing planning permission. The proposals will not therefore result in a significant diminution or betterment – the opposite is the case.

7.8 The proposal does not meet all LLP6 B policy criteria and does therefore not accord with the key Development Plan policy applying to this proposal.

7.9 Policy LLP38 - Pollution and Contamination Pollution is also relevant. This requires:-

Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.'

7.10 For the reasons set out above and in the authorities' representations, the planning application will have a significant adverse impact on neighbouring development and the wider environment and does not contain proposals for appropriate mitigation. The application is in conflict with Policy LLP38 of the adopted Luton Local Plan.

7.11 The analysis referred to in paragraph 7.1 concludes that the on a range of other matters the proposal is generally in accordance with the development plan. However, with regard to climate change/carbon, surface access and air quality, the extent of that

compliance is contingent upon the application being informed by and putting in place effective control mechanisms in the form a Carbon Reduction Plan, Air Quality Management Plan and Travel Plan, within a Green Controlled Growth approach to management of the operations pursuant to any consent. In addition, the extent to which the application can be judged to perform against aspects of the Local Plan relating to the economy cannot be quantified because of the failure to assess economic dis/benefit.

7.12 The HCC rep at para 9.28 and 9.29 and at Annex 2 para A33 provides an indication that the proposal is likely to be generally not compliant with parts of the development plan within Hertfordshire.

7.13 If the Inspector is minded to pursue further the impact of the proposal on the Chilterns AONB, in addition to Luton Local Plan Policy 29 Landscape and Geological Conservation, there will be a range of relevant policy in adopted local plans within the sub-region [for example, Policy CS24 (The Chilterns Area of Outstanding Natural Beauty) of Dacorum's Adopted Core Strategy and Policy DM27 Landscape Character and Chilterns Area of Outstanding Natural Beauty of its draft Local Plan (2020-2038) Emerging Strategy for Growth].

8.0 Material Considerations

8.1 Section 10 of the HCC representation within Appendix 1 identifies a range of likely substantive material considerations:

- National Planning Policy Framework
- Aviation Policy Framework
- National Planning Practice Guidance
- Aviation 2050: The Future of UK Aviation
- Beyond the Horizon The future of UK Aviation Making best use of existing runways
- Airports National Policy Statement
- A Green Future: Our 25 Year Plan to Improve the Environment
- Noise Policy Statement for England
- Air Navigation Guidance
- London Luton Airport Operations Limited Revised Masterplan 2012
- Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport
- Luton Borough Council Planning and Noise Guidance
- LLA Master Plan 19 MPPA Final Report January 2021
- Relevant Local Transport Plans
- LBC Climate Action Support January 2020

8.2 The authorities share the view that there is nothing within these material considerations that point towards a decision being made other than in accordance with the development plan. Indeed, on the whole these material considerations should draw the decision-maker to the same conclusions as is the case with the development plan.

8.3 If the Inspector is minded to pursue further the impact of the proposal on the Chilterns AONB, there are a range of material considerations he may wish to consider, including, for example, the Chilterns Conservation Board's Chilterns AONB Management Plan and Position statement: Development Affecting the Setting of the Chilterns AONB.

9.0 The Planning Balance

9.1 The proposal is contrary to the development plan by virtue of conflicts with the Luton Local Plan in respect of LLP6 and LLP38. This is accepted by the LPA. Compliance on other matters is contingent upon putting in place effective control mechanisms. It is also considered contrary to, on broadly similar grounds, to the more substantive likely material considerations.

9.2 The NPPF sets out a presumption in favour of sustainable development and sets out that there are three dimensions to this, namely economic, social and environmental and that these objectives need to be pursued in 'mutually supportive ways.' The wording of para. 8 on the environmental dimension has been amended in the July 2021 version of the NPPF by the replacement of "to contribute to protecting and enhancing" the environment to simply "…to protect and enhance" the environment. The NPPF does not suggest that positive effects of one objective can outweigh negative effects in respect of the others; whereas LLAOL adopt this approach.

9.3 Even if such a planning balance in deciding whether the application comprises sustainable development is a legitimate interpretation of the NPPF, the economic benefits have not been quantified. Moreover, LLAOL themselves consider that the economic impact is not significant in EIA terms given it was 'screened out.' It is therefore difficult to see how the accepted effects of noise on the health and wellbeing of the local community could be outweighed by the economic benefits of expansion.

9.4 On this basis the planning balance is against the proposals and the authorities jointly consider that on this basis the application should be refused.

10.0 Further engagement

10.1 The authorities are conscious that there are a number of technical issues (see paragraphs 4.6-4.7 and 6.4 – 6.4 above) raised by them and other third parties that remain to be resolved. On the assumption the Inspector shares this view, they would welcome the opportunity to have access to the applicant's response and contribute as necessary.

10.2 The authorities' representations and this written submission point to the absence of some key material that should be available to inform decision-making and some of that material, were it to be forthcoming, should be integrated into any consent. Should any of this material emerge through the Inquiry process, the authorities would welcome the opportunity to have access to it and to respond, as appropriate.

Appendix 1
HCC response to the application
comprising a letter from Councillor Stephen Boulton dated 11 June 2021

(including Annex 1 : Response to Pre-application Engagement November 2020
and Annex 2 : Comments on the Planning Statement

Executive Member
Growth, Infrastructure & Planning

Hertfordshire

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11th June 2021

Dear Sir/Madam,

Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

London Luton Airport, Airport Way, Luton.

21/00031/VARCON

Thank you for the opportunity to comment on the above.

The planning application rehearses the planning history of London Luton Airport (LLA). The County Council has recently responded to a number of consultations of particular relevance to this application, as follows:

i. the pre-application consultation carried out by LLAOL on its 19 mppa proposal (Annex 1).
ii. planning application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to end of 2024) to enable the area enclosed by the 57 dB(A) daytime noise contour to increase from 19.4 sq km to 23.4 sq km and the area enclosed by the 48dB(A) night time contour to increase from 37.2 sq km to 44.1 sq km, 19/00428/EIA. (Appendix 1 to the response referred to in i.).
iii. discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017 (Appendix 4 to the response referred to in i.).

The County Council's responses to those proposals are important context for its response to this application. There are a number of consistent themes relating to ongoing management and proposed growth of the Airport that are relevant to this application. These themes are repackaged/updated as necessary within this representation for ease of reference.

This representation takes the following format. The sections set out the County Council's:

Section 1	Overall position, in summary.
Section 2	In-principle position based on recent historic operations at the Airport.
Section 3	Concerns in relation to evidence availability and engagement.
Section 4	Comments in relation to the new Master Plan to 19 mppa.
Section 5	Observations in relation to the absence of updated Government aviation policy generally and specifically in relation to Carbon/GHG/Covid-19.
Section 6	Comments in relation to the timing of the planning application.
Section 7	Comments in relation to the Planning Statement.
Section 8	Views on what it considers to be the key issues raised by the planning application, along with the County Council's position on those issues.
Section 9	Assessment of the planning application against the Development Plan.
Section 10	Assessment of the planning application against material considerations.
ANNEX 1	Hertfordshire County Council response to London Luton Airport Operations Limited 19 mppa consultation 2020.
ANNEX 2	Comments on the Planning Statement accompanying the planning application.

1. The County Council's position – in summary

In-principle objection

1.1 The County Council has an in-principle objection to growth proposals at LLA whose origins are founded in mismanagement of operations since planning permission was granted in 2014 for the Airport to grow to 18 mppa. That in-principle objection applies to this planning application.

Timing of the application/decision-making

1.2 The uncertainty that exists in relation to likely Covid recovery presents an opportunity to pause to address the shortfall in evidence highlighted, to explore and develop a package of effective control mechanisms and to take stock of any direction that might be forthcoming from Government on aviation and carbon policy matters, including the potential for a substantive shift in assumptions about future growth in the context of the Committee on Climate Change advice to Government in relation to demand management.

Noise and Health

1.3 The significant adverse noise and health implications of the proposal, the failure to offer mitigation to all those significantly adversely affected and the ineffectiveness of the mitigations that are proposed, make the proposal totally unacceptable.

1.4 The Noise Reduction Strategy should be submitted and consulted upon and it and views on it taken into consideration in the determination of the planning application and integrated into any consent, should one be forthcoming.

The economy/'balance' between significant adverse effects and economic benefit

1.5 The planning application fails to assess the scale of the alleged economic benefits of the proposal (which are variously described by the applicant as 'significant', 'more', 'could be potential for'). As a consequence it is not possible for the planning authority to come to a properly informed judgement on whether, as the applicant alleges, the economic benefits of the proposal outweigh the significant adverse environmental impacts. The County Council would advise a cautionary approach to assumptions about economic benefit given growth is predominantly achieved by increasing load factors with *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* – with benefit therefore more restricted than has historically been the case, with less benefit experienced from aircraft movements.

Surface access

1.6 The planning application is considered to adequately assess the surface access implications and contains proposals in the form of a Travel Plan and Car Parking Management Plan to manage future surface access arrangements, including the incorporation of a range of measures to achieve modal shift and the setting of targets. However, there needs to be suitable control mechanisms agreed and put in place on any consent, should one be forthcoming, to ensure the in-practice implementation of any commitments and the measures to be employed should operations fall short of those commitments.

GHG/Carbon

1.7 The application concludes that the overall effect of projected GHGs associated with the proposal on the global climate is not significant. Luton Borough Council (LBC) has commissioned specialist advice to advise on the application from a GHG/Carbon perspective. The County Council will make further separate representations, as necessary. Notwithstanding this, the application findings appear to be substantively dependent upon the preparation and delivery of a Carbon Reduction Plan (CRP). The County Council is of the view that:

- the outline CRP should be consulted upon and it and views upon it taken into consideration in the determination of the planning application.
- consideration should be given to whether the full CRP should be submitted and consulted upon and it and views upon it taken into consideration in determination of the planning application.
- should a full CRP not be required by LBC to inform decision-making, the future provision of one should be secured by means of planning condition.

Drainage and Water Supply Infrastructure Appraisal

1.8 The County Council has no reasons to doubt the findings of the Drainage and Water Supply Infrastructure Appraisal and the proposed approach to imposition of a planning condition on any planning permission, should one be forthcoming, to restrict throughput at the Airport to a maximum terminal flow capacity.

Waste Management

1.9 The County Council has no reason to doubt the findings of the appraisal of the waste management implications of the proposal and is content with the intention to incorporate the Site Waste Management Plan (SWMP) into the consent by way of planning condition.

Air quality

1.10 The County Council has no reason to doubt the finding that the proposal will not have any unacceptable impact on air quality, but is of the view that the applicant should provide an Air Quality Plan (AQP) to be subject to consultation and it and views upon it taken into consideration in determining the planning application. The Plan would be incorporated into any consent, should one be forthcoming, and any limits incorporated into an Environmentally/Green Managed Growth control mechanism if considered appropriate. If this arrangement is not forthcoming, the provision of an AQP should be secured by way of condition.

Control mechanisms/Scrutiny

1.11 Effective control mechanisms need to be explored, negotiated as necessary and incorporated into any consent, should one be forthcoming. Those potential mechanisms should include the imposition of a condition restricting Annual Air Traffic Movements and the potential of Environmentally/Green Managed Growth (likely covering noise, surface access and potentially carbon reduction and air quality) as a means of controlling operations to ensure agreed commitments and controls on operations are honoured and to restrict growth to achievement of those limits.

1.12 If LBC and the applicant cannot agree to these control mechanisms in advance of determination, the applicant should be required to undertake a sensitivity assessment test to explore a worst case scenario that involves less positive assumptions with regard to fleet modernisation and loads levels/ATMs (greater than an additional 1,085 ATMs per annum assumed in the planning application).

Development Plan

1.13 The planning application is considered to be consistent with the development plan insofar as it relates to the economy, surface access, air quality, waste management, drainage and water supply, GHG/Carbon (subject to submission of a satisfactory CRP), subject to a number of these matters being subject to introduction of effective controlling mechanisms.

1.14 However, in relation to noise and its health impacts, the scale of the significant adverse impacts are such that the application is considered to be fundamentally at odds with key policies of the Luton Local Plan (particularly LLP6 and LLP38) and not

consistent with the general approach of the development plan of adjoining districts. The alleged economic benefits of the proposal have not been assessed and as a consequence any attempt to suggest, as the applicant does, that these benefits outweigh the significant adverse noise and health impacts, cannot be founded.

1.15 The application should be refused.

Material considerations

1.16 There are not considered to be any material considerations that would indicate that the decision on this planning application should be other than its accordance or otherwise with the development plan.

1.17 An assessment of the planning application against material circumstances points towards the same conclusion of the development plan assessment - the planning application should be refused.

Master Plan

1.18 The Master Plan (MP) is considered not to be fit-for-purpose in its current form and requires further work and consultation.

1.19 The master plan preparation and approval process should be completed before the planning application is determined.

One-off grants

1.20 The County Council is of the view that the failure of the application to provide any clarity on the operation of and beneficiaries to the proposed one-off grants is unacceptable and should be provided. Given the impacts of the proposal on communities the one-off nature of the grants is similarly considered to be unacceptable and the levels proposed derisory.

2. The County Council's in-principle position

2.1 The County Council has an in-principle position on proposals at LLA whose origins are founded in mismanagement of operations since planning permission was granted in 2014 (as subsequently revised in 2017, referred to in this response as the 'parent consent') for the Airport to grow to 18 mppa. This position is set out in response to the LLAOL 19 mppa public consultation:

> *'2. You will of course be aware that this proposal comes forward within the context of other current live planning applications/growth proposals at the Airport (LLA):*
>
> *i. London Luton Airport Operations Limited (LLAOL) planning application to vary condition 10 in an attempt to regularise breaches of the 2014 planning consent to grow throughput at LLA to 18 mppa.*
> *ii. London Luton Airport Limited's (LLAL) Development Consent Order proposal to grow LLA to 32 mppa.*

3. The County Council's responses (attached Appendices 1 and 2 by way of context) to these proposals set out its broad position with regard to management of growth at LLA, aspects of which are relevant to the proposal the subject of this consultation.

Mismanagement of operations at LLA in relation to the current planning permission

4. The County Council's representations on i. and ii. above raise very serious concerns relating to the mis-management of the operations of LLA resulting in it failing to comply with its 2014 planning consent and the knock-on adverse implications this has had for communities. By way of example:

Condition 10

'1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a 'Partnership' approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The 'contract' between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.'

Development Consent Order

*'**The County Council's position***

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile,

airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18mppa to 19mppa - again, because the Airport has mismanaged growth.

The consultation material states:

'Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.'

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.'

5. The reason a 19 mppa proposal is seen by LLAOL as being required to facilitate additional throughput in advance of 2027/8 (the timeframe within which LLA was supposed to reach 18 mppa had the terms of the consent been honoured) is that it has failed to manage its operations within the spirit of the 2014 planning consent. Fundamentally, therefore, the County Council has an in-principle objection to the current s73 planning application to vary Condition 10 and any further potential planning application relating to 19 mppa.

6. Whilst in no way attempting to downplay the impacts of Covid-19 on the aviation sector and on LLA, one positive that could be achieved would be to reset throughput growth of LLA and management of it to be consistent with the growth trajectory of the 2012 master plan and of the 2014 planning consent. That would be the right thing to do to honour the commitments made to stakeholders and communities.'

2.2 This planning application continues to perpetuate the operator's claim that the growth of the Airport and therefore breaches of imposed planning controls and of the contract between it, communities and stakeholders was out of its control. For example:

'1.1.4 The subsequent success of the airport has been well documented, with passenger throughput increasing from 10.5 mppa in 2014 to 18 mppa in 2019, a 71% increase in just six years……..

2.3.2 LLAOL secured planning permission in 2014 for the development of the necessary infrastructure to increase passenger throughput at the airport from 12 to 18 million passengers a year. The forecast at the time estimated that an 18 mppa cap would accommodate steady growth in passenger numbers up until 2028. However, growth in passenger numbers has occurred at a much more rapid rate than was originally forecasted and the 18 mppa cap was reached in 2019.

3.9 19/00428/EIA (Section 73 to 15/00950/VARCON permission)

3.9.1 The noise monitoring by LLAOL revealed that the summer night-time contour as set out in Condition 10 (Noise contours) of the 15/00950/VARCON permission was exceeded in 2017 for the first time. The summer night-time contour was exceeded again for the second time in 2018. In March 2019, a Section 73 application was submitted to temporarily enlarge the noise contours to the end of 2024 whilst the development of newer, quieter aircraft progresses and comes into operation.

4.2.3 LLA is one the busiest airports in the UK and one that has experienced steady growth over the last decade. The passenger level reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the original permission……..

4.3.2 LLAOL is seeking to modify the wording of the condition such that it provides for a less restrictive day and night contour than that currently set out, through adjustments to the area enclosed by both the daytime and night-time contours. The amendments are considered by LLAOL to provide an appropriate balance between environmental protection and growth. As detailed in Section 3.9, when the airport was operating at its existing capacity of 18mppa there were breaches of the noise contours due to the higher than predicted growth in passenger demand, the delay in delivery of modernised aircraft (e.g. Airbus Neo and grounded B737 MAX) and disruption in European Air Traffic Control from significant weather events and industrial action resulting in flight delays. Therefore the need to enlarge the noise contour exists independently of the proposed increase of the 18 mppa cap to 19 mppa. The noise contours required for the 19 mppa would not be significantly different to the enlarged contours that would have been needed to operate at 18 mppa.

4.3.5 The modification to Condition 10 is required in order to account for the fact that the introduction of new quieter aircraft has not kept pace with the unprecedented growth in passenger demand. The passenger level at LLA reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the 2014 Planning Permission. An amended condition is necessary in order to safeguard against factors that are beyond the airport's direct control, including delays to the technological aircraft development and delays to flying times due to European Air Traffic Control disruptions and extreme weather events.'

2.3 The County Council does not accept the operator's continued assertions that the pace of growth and breaches of controls were not within its control. The package of passenger throughout and noise monitoring and reporting requirements required of the parent consent, meaningful cooperation between the operator's Flight Operations Department and Business Development Department, and effective liaison with LBC should collectively have comfortably foreseen the possibility of breaches and put in place appropriate management and operational restrictions. As a consequence of the failure to have done so, the County Council's position remains as rehearsed in paragraph 2.1 above - it has a fundamental in-principle objection to this planning application.

3. Evidence availability and engagement

3.1 The planning application refers to the LLAOL 19 mppa public consultation, the responses made to the consultation, how the proposal has allegedly been informed by those responses and how some issues have been further informed/addressed by the documentation making up the application.

3.2 The County Council's response to the consultation highlighted a number of concerns relating to the adequacy of the evidence made available and lack of engagement in taking the proposals forward. The response called for the evidence to be made available and meaningful engagement to take place in advance of submission of any planning application, with the draft Master Plan providing the focus for this.

> *'**The Consultation Material - evidence and engagement***
>
> *9. Attached (Appendix 3) are some detailed comments on the published consultation material. These are by no means exhaustive, but sit behind a number of the issues that follow. Two key messages are:*
>
> - *the consultation material presents a position on a wide range of issues based on evidence prepared to date to inform the development of the proposal and presents a range of proposals for mitigation. However, very little of the evidence referred to is available for review and comment and as a consequence the opportunity to effectively engage with the consultation and shape the proposal has been somewhat limited.*
> - *there has been no meaningful engagement (to the County Council's knowledge) with key informed stakeholders on the technical work underpinning the findings and conclusions and mitigation proposals.*
> - *how transparency of evidence and informed engagement is to happen in advance of submission of any planning application.*

3.3 However, the applicant has chosen not to engage with stakeholders further in advance of submission of the planning application – stakeholders are in a position of simply responding to the information/evidence presented. Whilst this is the prerogative of the applicant, the planning application fails to present all of the evidence/intelligence required for consultees to come to a fully informed view on the proposal and for the planning authority to come to a balanced decision. For example:

Noise Reduction Strategy

3.4 Condition 10 of the parent consent sets out noise contour limits to restrict the impact of the Airport as it grows – and those contours are based on assumptions about throughput growth and aircraft fleet modernisation. The Condition also requires the operator to submit a Noise Reduction Strategy (NRS) to reduce noise contour areas to specified levels by 2028.

3.5 In February 2020, LLAOL submitted its NRS, but was considered by the local planning authority to be not fit-for-purpose and is still in the process of being developed and remains to be approved. The County Council's response to the proposed NRS is reproduced within Annex 1.

3.6 The applicant proposes that Condition 10 be varied, amongst other matters, to require the applicant to submit a NRS within 12 months of the date of the planning consent for reduction of noise contours by 2028. But there have already been longstanding negotiations for over a year now in relation to the existing NRS submitted as a requirement of the parent consent and there must be a reasonable degree of certainty regarding the mechanisms that need to be employed to reduce noise contours. Those mechanisms must surely be broadly the same as those that would be required to achieve the proposed new NRS to be provided to satisfy the requirements of the proposed new Condition.

3.7 Given the failure of the operator to be able to manage its operations to comply with the parent consent and the apparent inability to come forward with a NRS to satisfy LBC, the County Council is strongly of the view that the NRS should be submitted as part of the application, consulted upon and taken into consideration in determination of the application, along with any views upon it. Another planning consent cannot be granted in the absence of certainty about how noise reduction is to be achieved - how, when and by whom – and in the event of evidence of failure or likely failure, what should happen to control operations (see paragraphs 8.47-8.51 dealing with E/GMG).

3.8 In much the same way as the Travel Plan and Car Parking Management Plan accompany the planning application and are proposed to be integrated into any consent by the proposed wording of Conditions 22 and 24, so should the NRS. So instead of the wording proposed by the applicant, the relevant part of proposed revised Condition 10 would instead read something along the following lines:

> *'……..*
> *The Noise Reduction Strategy (document reference XXXXXXXXX) shall be complied with ~~Within five years of the commencement of development a strategy shall be submitted to the Local Planning Authority for their approval which defines the methods to be used by LLAOL or any successor or airport operator~~ to reduce the area of the noise contours by 2028 for daytime noise to ~~15.2 sq km~~ 15.5 sq km for the area exposed to 57dB(A) Leq16hr (0700-2300) and above and for night-time noise to ~~31.6 sq km~~ 35.5 sq km for the area exposed to 48dB(A) Leq8hr (2300-0700) and above.*
> *……'*

Carbon

3.9 The Planning Statement and Environmental Statement make reference to the intended preparation of a Carbon Reduction Plan (CRP). For example:

Planning Statement

'6.5.28 LLAOL has also committed to produce a Carbon Reduction Plan. This will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application.

6.5.30 The proposed scheme:

Summary

- *Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- *Is consistent with the NPPF requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.'*

Environmental Statement

'UK Carbon Target for 2050 and UK Carbon Budgets (non-international aviation)

'7.11.25 The mitigations required to achieve LLAOL's net zero aim will be detailed in a Carbon Reduction Plan, which will include emissions reduction targets. The Carbon Reduction Plan will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application. Further details are described in Section 7.13.

Summary

7.11.26 On the basis of the commitment to produce a Carbon Reduction Plan, the scale of GHG emissions from the Proposed Scheme are such that they will have a negligible effect on the ability of the UK to meet its carbon targets. Additionally, the scale of GHG emissions from the Proposed Scheme are such that they are unlikely to affect the ability of Luton Borough Council to meet its carbon neutral borough aim.

Summary of predicted effects

7.11.30 The mitigations set out in Section 7.8, show that the GHG emissions associated with the Proposed Scheme have been mitigated wherever

practicable, with a further commitment to producing a Carbon Reduction Plan as described in further detailed in Section 7.13. The Carbon Reduction Plan will be required to set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target, and how LLA will use its influence to reduce Scope 3 emissions where possible.

7.11.31 LLAOL is committed to annually reporting its GHG emissions through annual carbon footprinting, which is publicly available.

7.11.32 Therefore, the Proposed Scheme:

- *Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO2/yr 'planning assumption' for UK international aviation GHG emissions in 2050.*
- *Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- *Is unlikely to materially affect the ability of Luton Borough Council to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- *Is consistent with the National Planning Policy Framework (NPPF) requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.*

7.13 Consideration of additional mitigation

7.13.2 A Carbon Reduction Plan will be produced which will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be set out ahead of the determination of the planning application by LBC.

Airport building and ground operations

7.13.4 Through the Responsible Business Strategy, LLAOL has committed to being aligned with the UK net zero target for 2050. LLAOL has therefore committed to develop a Carbon Reduction Plan, which will set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target. An outline version of the Carbon Reduction Plan will be produced during consideration of the ES, and ahead of determination of the planning application. The full version would be provided following planning approval, as a time-bound condition of the planning permission. This forms part of the wider commitment to reaching more ambitious levels of certification within the Airport Carbon Accreditation Scheme, which would ultimately result in carbon neutral operations.'

3.10 The County Council is of the view that if the CRP is key to supporting the conclusions of the performance of the proposal in carbon terms, as appears to be the case, then the full (and fully evidenced) CRP should be produced, subject to public consultation and views upon it used to inform the decision-making process. It should then be incorporated into the consent, by way of condition, similar to that for the Car Parking Management Plan (Condition 22) and Travel Plan (Condition 24), or at least

listed amongst the approved plans and documents in the proposed Variation of Condition 28 (Approved plans and documents).

3.11 If LBC takes the view that an outline CRP is acceptable to inform its decision-making, then that outline should be made available and consulted upon and views upon it taken into consideration in the decision-making process. The proposed variation to Condition 28 does not currently refer to an outline CRP and it should.

3.12 Paragraph 7.13.4 of the ES states, in relation to the CRP, states that '……..*The full version would be provided following planning approval, as a time-bound condition of the planning permission.'*. But the applicant makes no commitment to a time-bound condition within the Planning Statement and LBC should seek that commitment from the applicant. If LBC takes the view that an outline CRP is acceptable to inform its decision-making then a time bound condition should be imposed with regard to the submission of a full CRP.

Air Quality

3.13 The Planning Statement, supported by the ES, concludes that the proposal will not have any unacceptable impact on air quality. Elsewhere in this representation the County Council rehearses the compatibility of the proposal with, amongst other matters, existing and emerging Government policy on matters relating to aviation. Government's emerging Aviation Strategy (Aviation 2050) states that it intends to require all major airports to develop air quality plans to manage emissions within local air quality targets.

3.14 The applicant's own 'Our Responsible Business Strategy 2020 – 2025, December 2019' commits to developing an air quality strategy by end of 2022 that will include measures to limit the airport's contribution to air pollution.

3.15 Given Government expectations, the fact the planning application process has had to assess and predict the air quality implications of the proposal and that the Airport has already committed to producing an air quality strategy, it would have been the perfect opportunity to bring forward an air quality plan to accompany the planning application and to integrate air quality commitments into any planning consent, should one be forthcoming – in much the same way as it proposed for waste management, Carbon Reduction Plan, etc.

3.16 LBC should require the applicant to prepare and submit an air quality management plan and that plan should be consulted upon and views upon it taken into consideration in determination of the planning application and incorporated within any consent, should one be forthcoming. If this option is not considered appropriate then any planning consent should require the provision of an air quality management plan by means of planning condition.

Forecasting assumptions/sensitivity testing

3.17 Paragraphs 5.3-5.6 below raise concerns regarding and calls for a reassessment of the applicant's Covid recovery assumptions and forecasts. Notwithstanding this, fundamental to the assessment of the impacts of the proposal are assumptions made within traffic forecasts with regard to fleet modernisation/load factors/ATMs and the consequential impact this will have on noise reduction.

3.18 As rehearsed in Section 2, since the 2014 parent consent the Airport operator has facilitated growth considerably in excess of that assumed within the consent, to the extent that fleet modernisation and the assumed noise impact benefits that come with that has not occurred. This has resulted in a breach of noise controls integrated into the consent, which are in part the driver for this planning application.

3.19 Elsewhere in this representation the County Council calls for effective control mechanisms to be integrated into any consent to embed within it the assumptions and forecasts underpinning the proposal – those control mechanisms include E/GMG, a condition limiting annual ATMs and a condition linking Airport growth to future noise reduction set out in a Noise Reduction Strategy.

3.20 But at this stage there is no certainty that such controls will be imposed on any consent and unless there is agreement between the applicant and LBC that they should be, there is a need to understand a worst case scenario involving planning permission being granted and fleet modernisation not occurring at the pace predicted within the planning application - a sensitivity test involving less positive assumptions with regard to fleet modernisation and loads levels/ATMs (greater than an additional 1,085 ATMs per annum assumed in the planning application). That worse case sensitivity test should be available to inform LBC decision-making.

4. The new Master Plan to 19 mppa

4.1 The County Council's response to the LLAOL 19 mppa consultation raised a range of issues with regard to the draft MP, as follows:

> *'**An all-encompassing master plan***
>
> *10. You will of course be aware of Government consultation and liaison expectations in relation to master plans, set out in its Aviation Policy Framework (APF):*
>
> *'4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings……..'*
>
> *11. And also its position on availability of technical evidence:*
>
> *'4.14 Research carried out by the DfT on the effectiveness of master plans has indicated that drafting for all audiences produces a tension between communicating future plans and providing a technical reference source. We therefore recommend that, where possible, the body of the document should be accessible to a lay person, and the technical detail clearly annexed.'*
>
> *12. You will also be aware that the APF states that:*
>
> *'4.5 Airports, in partnership with local communities, should:*
>
> - *……*

- *review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;*
- *review the extent and detail of information that is published and set out clearly the methodology used. Airports should provide transparency and ensure that sufficient relevant information and opportunities for consultation reach a wide audience; and*
- *combine their ASASs into their published master plans to ensure a joined-up approach and make it easier for people to access information about the 'airport's plans.'*

'Mitigation

B.6 Proposals for mitigation measures across the major impact areas identified will be an important component of master plans; for example emission controls, noise abatement measures, sound insulation, surface access schemes and traffic management and measures to address landscape and biodiversity impacts.

B.7 It will be appropriate for master plans to address any proposals for compensation measures that may be required where the scale of impacts is such that they cannot adequately be mitigated. Such measures might include appropriate voluntary purchase schemes and assistance with relocation costs where the extent of property and land-take is clear.'

13. The consultation material seems to propose to amend or add to the contents of publications that already exist but without giving specific details of what these are to be – for example, see the 'Noise management/mitigation' section below. There also appears to be a new Transport Assessment, Travel Plan and Car Parking Management Plan which are not available at this stage and which appear to introduce new assumptions – for example (from the EIA Progress Report).

'8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

14. There also appear to be other assessment, such as an Air Quality Assessment and Greenhouse Gas Assessment. Moving forward, the availability of technical evidence and engagement on it with key stakeholders will be important. As far as is practicable, this should take place in advance of submission of any planning application and there is an opportunity to do so as part of the master plan preparation process. The master plan needs to be drafted to be accessible to the lay person, but contain evidence (appended) to substantiate its proposals, about which it needs to be much more transparent rather than making general statements of intent. It also needs to be clear on the implications for other publications such as the noise action plan and surface access strategy. Consideration should be given to whether there is an opportunity to draw the various plans/strategies together into a whole, with the master plan fronting up a range of subsidiary plans/strategies/evidence. This

will take time – more time than the consultation material and processes currently appear to allow.'

4.2 The County Council's response summarised its position on the MP, as follows:

*'**Summary***

42. In summary, the County Council's position is as follows:

……..

ii. There should be further engagement on the preparation of the master plan, including sharing of the evidence underpinning the findings and mitigation proposals within the draft in advance of finalisation/publication/approval.

iii. The finalised/published/approved master plan needs to contain evidence (along with technical appendices) to substantiate the findings and conclusions reached and to justify proposed mitigations.

iv. The opportunity should be taken to take a fresh approach to the master plan preparation – with a view to putting in place an all-encompassing framework that draws the various strategies together into a whole and fronting up a range of subsidiary plans/strategies/evidence.'

4.3 Much of the technical evidence that was not available to consultees to support the judgements made in the draft MP now accompanies the planning application. Consultees therefore now have an opportunity to access and interrogate that evidence to establish whether those judgements are indeed correct.

4.4 The applicant has chosen not to act upon many of the County Council's recommendations in relation to the process for preparation of the MP and the approach taken and considers that, as a consequence, it falls short of a number of Government expectations, as set out above.

4.5 The County Council is of the view that LBC does not adopt the MP until such time as it is revised to sit more comfortably with Government guidance and the above other issues raised by the County Council.

4.6 The MP review process should also address the following:

- Section 1.1 sets out the need for a Master Plan, which is described as:

'…….The airport's traffic numbers are predicted to continue to increase, requiring consideration of the next planning stage for LLA development. As a result, IDOM was appointed to develop LLA's Master Plan for 19 mppa.'

But this section fails to register the fact that the main reason that MPs are to be produced is because they are a Government expectation *'to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. They also provide transparency and aid long-term planning for other businesses.'* (Aviation Policy Framework).

Neither does it refer to Government expectations that MPs are *'updated at least once every five years'* and the existing MP for the Airport is now over 8 years old, so it should have already been updated in any event.

It makes no reference to the existing MP for 18 mppa and the obvious need for it to be updated/replaced.

- Section 2.2 of the MP states the following:

'2.2 Forecasting Approach

2.2.1 The 2012 planning application has led to an investment plan of £160 million to transform the airport and increase capacity to 18 million passengers per year by 2020. The so-called Curium Project reached its culmination in 2018 with the opening of the expanded terminal facility.'

The *'2012 planning application'* did not lead to an investment plan, it was the 2014 planning permission.

The 2014 planning permission was granted on the assumption that 18 mppa would be achieved by circa 2028 and limits and controls imposed on that basis (particularly in relation to controlling noise impacts). Unless it really was the intention of LLAOL to achieve 18 mppa by 2020, this needs to be reworded (probably easiest to simply delete 'by 2020').

- the MP has been submitted with the planning application, but in places it still refers to the planning application in the future tense. For example, with regard to air quality it states:

  '0.8.1 ……A detailed air quality assessment will accompany the planning application.

  6.3.1 The increase in maximum capacity of passengers from 18 mppa to 19 mppa, whist modest in percentage terms, may entail an increase in road transport related air emissions and it will be necessary to undertake a detailed assessment of the likely impact of this when the formal planning application is made. The method will entail a detailed consideration of those receptors adjacent to the transport routes at highest risk of exceeding the relevant objectives as specified in the Air Quality Standards Regulations 2010. If any exceedances of air quality objectives are indicated, mitigation measures will need to be developed based on specific findings of the study.'

The air quality assessment accompanies the planning application and it, and the findings reported in the ES should be reflected within the MP.

- Carbon Reduction Plan. The MP provides a framework for the planning application and repeatedly refers to assessments that have been undertaken or are ongoing (see above, this needs to be rectified) and to future plans and measures that will be put in place. But despite commitments made in the planning application to production of a CRP and the importance attached to this, the MP makes no reference to it.

4.7 The County Council's response to the LLAOL 19 mppa public consultation also identified a range of issues in relation to the status and process for approval of the master plan to take the airport to a throughput of 19 mppa.

'***Status and process for approval of the master plan***

15. The usual and logical course of events is for an airport to consult widely on a master plan, setting out its aspirations for the future and covering those matters advised by Government in the APF. In this way all stakeholders and communities have a common understanding of what lies ahead – likely scale of growth, infrastructure provision, environmental management and mitigation, noise insultation, community benefits, and so on. Amongst other matters that master plan would form the framework within which future planning applications for development and throughput growth are brought forward.

16. Indeed, this is exactly what happened in the last master plan/planning application cycle at LLA. Somewhat bizarrely, LLAOL and LLAL consulted separately on different master plans for different proposed levels of growth during 2012, following which a joint master plan was published in September 2012 that provided a framework for growth of LLA to 18 mppa. Some months later, a planning application for that scale of growth was duly submitted.

17. The consultation material makes no reference to the in-force master plan at LLA and it is therefore assumed that it is to be completely superseded by the one published as part of this consultation, as suitably amended following feedback received.

18. The material contains no guidance on the process for and timing of approval/adoption/publication of the master plan, but states that a planning application is to be submitted by the end of 2020. No information is provided with regard to the process for 'approval' of the master plan and whether there is any intention to release and consult upon the evidence that underpins it.

19. You will of course be aware that Luton Local Plan Policy LLP6 requires any growth proposal at LLA to be consistent with a master plan submitted to and approved by Luton Borough Council (LBC). The material makes no reference to this policy and provides no clarity on whether the master plan is to be submitted to LBC for its approval and if so, whether that is to happen in advance of any planning application or perhaps even at the same time.

20. Clarity is required on the process for approval/publication of the master plan and how that relates to the timing of submission of any planning application. If a planning application is to be submitted before the end of 2020, it is difficult to see how:

- *in the spirit of Government guidance in the APF, meaningful engagement can take place with stakeholders on the technical evidence that underpins the assumptions behind and findings of the master plan.*
- *the master plan can be approved by LBC.*

21. Paragraphs 29-30 call for a delay in the submission of the proposed planning application. Such a delay would enable a master plan preparation

process that is able to more effectively engage with communities and stakeholders, with a view to building a more productive and trusting relationship in response to recent experience.'

Summary

42. In summary, the County Council's position is as follows:

v. Clarity is required with regard to the process for finalisation/publication/approval of the master plan.

vi. The master plan preparation and 'approval' process should be completed in advance of the submission of any planning application.

vii. Given Luton Local Plan policy, the master plan should be approved by Luton Borough Council in advance of the submission of any planning application.'

4.8 With regard to the two bullets in paragraph 20 of the above extract we are now clear that there has been no meaningful engagement on the technical evidence underpinning the MP in advance of submission of the planning application (as discussed above). With regard to the second bullet, the planning application has been submitted in advance of adoption of the MP by LBC. The planning application does not contain any guidance on its understanding of the process for adoption of the MP by LBC. The MP should be adopted by LBC, as suitably revised, in advance of determination of any planning application (it would have been far preferable, however, if this were to have happened in advance of application submission).

5. Aviation 2050/Carbon/Covid-19

5.1 The County Council's response to LLAOL's 19 mppa consultation observed:

'22. The County Council's response to the consultation on the DCO highlights the scale of uncertainty that exists in relation to national aviation policy, which, amongst a wide range of other matters, will set out the Government's approach to aviation with regard to how it will contribute to meeting its net-zero carbon commitment.

*'**National aviation policy and the Climate Change Act 2008***

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO_2 in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO_2 emissions targets:

1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.
2. whether now is the right time for the UK to set such a target.
3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C" and "towards global efforts to limit the increase to 1.5°C.
4. how reductions in line with your recommendations might be delivered in key sectors of the economy.
5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.
6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.

In December 2018 Government consulted on its Aviation Green Paper 'Aviation 2050 - The future of UK aviation', reaffirming Government's commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

'The UK's currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK's statutory framework, including when 'net-zero' emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK's long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.

Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around

their 2005 level (i.e. 37.5 $MtCO_2e$). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report ('Net Zero The UK's contribution to stopping global warming Committee on Climate Change' May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – 'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'. The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019…….Reducing emissions from aviation will require a combination of international and domestic polices, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels, with potential to reduce emissions further with lower levels of demand. The CCC advises that 'The Government should assess its airport capacity strategy

in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing is aviation policy through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its 'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions' (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will 'continue to consider the implications of our 2050 net zero target……..'.

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment 'due to the timing of its introduction into UK law', but recognises that 'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.'

23. In addition, of course, that national strategy/policy will now also need to reflect upon the implications of Covid-19 and develop policy that reflects how Government sees the aviation industry moving forward in response to and within a continuing Covid-19 environment – the implications of which, at least in the short term, are potentially profound.

24. Clarity in the form of revised national aviation policy would be a more preferable environment within which this proposal (and indeed those at other airports) could be brought forward and assessed. The County Council has sought an update on the timetable for production of Aviation 2050, but this has yet to be forthcoming. The process for master plan preparation and application submission would benefit from being aligned with the publication of new Government policy.

'19 mppa traffic horizon will be achieved around 2024'

25. The consultation material contains a number of statements with regard to the anticipated timeframe for LLA to potentially reach a throughput of pre-Covid levels and onward to 19 mppa. For example:

'In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.'

'In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").'

'Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.'

26. The consultation material provides little background intelligence about these 'industry expectations' and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – 'upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe'. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.

27. Similarly, Eurocontrol's latest five-year forecast offers three scenarios for recovery from Covid-19:

- *a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.*
- *should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.*
- *a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.*

28. Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.'

5.2 As there has been no further substantive clarity on Government intentions in relation to revised national aviation policy the County Council's concerns with regard to the absence of an up to date national policy that addresses all of the issues facing the aviation sector remain. There has been national progress on Carbon/GHG and these have (in part) been reported in the consultation material, but again, the Government's position on the aviation sector's role in a zero carbon future remain to be clarified. The CCC recommendations on the sixth carbon budget – the UK's path to net zero, includes within the 'balanced pathway' demand management providing for a 25% growth in passengers by 2050 compared to 2018 (compared to 65% in baseline unconstrained DfT forecasts). The timeline for growth sees capacity increasing by only 5 mppa by 2035 (from 2092 mppa in 2018 to 297 mppa in 2035). The CCC states that *'We assume that, unlike in the baseline, this occurs without any net increase in UK airport capacity, so that any expansion is balanced by reductions in capacity elsewhere in the UK'*. Given the Government's commitment to a third runway at Heathrow there would be likely to be no scope for additional capacity at other airports – indeed, the proposed increased use of the existing two runways in advance of third runway coming onstream would utilise all the 5 mppa additional capacity to 2035 in the balanced pathway scenario. The Government has already confirmed that its sixth Carbon Budget will incorporate the UK's share of international aviation emissions – the first budget to do so. Whilst Government has not accepted the CCC's specific policy recommendations it will be producing a vision for net zero, and ambitious plans across key sectors of the economy to meet carbon budgets.

5.3 With regard to Covid-19 recovery, the application presents the results of a poll of a panel of air traffic forecasting experts, which the applicant then uses to extrapolate those recovery rates beyond December 2021. This sees recovery to 18mppa by 2022. No date is put on the polling exercise, but as it sought views on recovery through 2020, it is assumed it occurred early/mid 2020.

5.4 The County Council's response to the LLAOL 19 mppa consultation highlighted the scenarios presented by IATA/Eurocontrol, suggesting a more likely later recovery scenario. Since then, the Committee on Climate Change has issued its Sixth Carbon Budget advice to Government in which it recognises uncertainties generated by Covid *'……There remain major uncertainties as to the size of the aviation industry that will emerge post-COVID, particularly as the pandemic continues to spread globally……...CCC have estimated a drop in UK flights and emissions during 2020-2023……..., with a return to previously projected to demand levels from 2024 in most scenarios.'*.

5.5 The way in which the pandemic appears to be progressing and the extent to which it is able to be managed is changing at a rapid pace. With regard to aviation and the prospects of renewed international travel there remains considerable uncertainty and one wonders whether the ACI poll has been superseded by events and/or whether it contains a degree of optimism bias. It might be helpful if the applicant could present an updated balanced view on recovery taking into account more up to date intelligence and the less optimistic scenarios of IATA/Eurocontrol/CCC.

5.6 An updated view on Covid recovery would be useful context in terms of the timeframe that may be available to pursue those matters identified in paragraph 6.2.

6. Timing of the planning application

6.1 The County Council's response to LLAOL's 19 mppa consultation called for the proposed timing of submission of any planning application to be delayed for, amongst other reasons, those matters in Section 5. The County Council is disappointed that the applicant has chosen to ignore calls for a pragmatic approach to the timing of submission of the application, but accepts that LBC is duty bound to consider and determine the application it has before it.

6.2 Whilst it is desirable and there is a requirement for the application to be determined expeditiously, the uncertainty that exists in relation to likely Covid recovery would suggest that there is an opportunity to pause to address the shortfall in evidence highlighted in section 3, to explore and develop a package of effective control mechanisms rehearsed in paragraphs 8.47-8.54, and to take stock of any direction that might be forthcoming from Government on aviation and carbon policy matters, including the potential for a substantive shift in assumptions about future growth in the context of the CCC advice to Government in relation to demand management.

7. The Planning Statement

7.1 The Planning Statement (PS) is where the application draws together evidence contained within supporting documents and assesses the proposal against relevant development plan policy and material considerations. Annex 2 presents a range of comments on the PS submitted with the planning application. The County Council is of the view that it is not fit-for-purpose.

- it is surprisingly poor in its identification and review of relevant national and local policy;
- where it correctly identifies relevant policy it occasionally conveniently leaves out relevant text with which the application is likely to be non-compliant;
- the appraisal of the application against policy is at times so blatantly incorrect and misleading as to fundamentally undermine its credibility – this is particularly true of the key Development Plan policy for this application – Policy LLP6 of the Luton Local Plan.

7.2 The critique of the PS within Annex 2 is by way of example and is not intended to be exhaustive. Your authority will, of course, identify for itself all relevant policy considerations and interpret and apply these accordingly. However, the County Council would urge considerable caution in relying in any substantive way on the PS accompanying the application.

8. The Planning Application – the County Council's position on the key issues

8.1 The key issues upon which the PS and ES focus are noise, health, the economy, surface access, GHG/Carbon, drainage and water supply, waste management and air quality. The County Council's views on these are set out below, along with what it believes should be an additional key issue - the extent to which the application presents and LBC should impose an effective package of control mechanisms into any consent, should one be forthcoming.

8.2 Sections 9 and 10 go on to assess the performance of the planning application on these key issues against the development plan and material considerations.

Noise

Noise implications of the proposals in relation to operational noise contour levels

8.3 The ES assesses the noise implications of the proposals on households, amongst other receptors in relation to operational noise contour levels. In the short term, at a throughput of 18 mppa in 2022 the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 2,430 households/5,721 people that would be newly exposed to levels of noise above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 17% increase.
- 85 households/252 people that would be newly exposed to levels of noise exposure above which significant adverse effects on health and quality of life occur. This represents a 12%/13% increase respectively.

In the night-time:

- 5,416 households/13,087 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 28%/29% increase respectively.
- 724 households/1,743 people that would be newly exposed to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 61%/55% increase respectively.

8.4 In the short term, at a throughput of 19 mppa in 2024 the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 663 households/1,584 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 4.7% increase.
- No households to levels of noise exposure above which significant adverse effects on health and quality of life occur.

In the night-time:

- 2,838 households/6,659 people that would be newly exposed to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 15% increase.
- 558 households/1,373 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 47% increase.

8.5 In the medium to long term beyond 2028, at a throughput of 19 mppa the proposal would generate in the daytime an additional (compared to expectations of the existing planning permission):

In the daytime:

- 273 households/683 people to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 3%/4% increase respectively.
- 49 households/99 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 12%/9% increase respectively.

In the night-time:

- 4,040 households/9,509 people to levels of noise exposure above which adverse effects on health and quality of life can be detected than would be the case with the existing parent consent. This represents a 26% increase.
- 373 households/922 people to levels of noise exposure above which significant adverse effects on health and quality of life occur than would be the case with the existing parent consent. This represents a 37%/34% increase respectively.

8.6 So in terms of the worst case scenario impacts of the proposals the applicant is of the view that it is acceptable:

In the period up to 2028:

Daytime

- when compared to the existing parent consent, to expose an additional 2,430 households/5,721 people to levels of noise above which adverse effects on health and quality of life can be detected (a 17% increase) and 85 households/252 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- when compared to the existing parent consent, to expose an additional 5,416 households/13,087 people to levels of noise above which adverse effects on health and quality of life can be detected (a 28% increase) and 724 households/1,743 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 61% increase).

Beyond 2028

Daytime

- when compared to the existing parent consent, to expose an additional 273 households/683 people to levels of noise above which adverse effects on health and quality of life can be detected (a 3% increase) and 49 households/99 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (an 12% increase).

Night-time

- when compared to the existing parent consent, to expose an additional 4,040 households/9,509 people to levels of noise above which adverse effects on health and quality of life can be detected (a 26% increase) and 373 households/922 people to levels of noise exposure above which significant adverse effects on health and quality of life occur (a 37% increase).

Notable exceedances of LOAEL and SOAEL criteria

8.7 The ES also assesses where there are notable exceedances of the LOAEL and SOAEL criteria (exceeding LOAEL by at least 3 dB and SOAEL by at least 1 dB).

8.8 When compared to existing parent Condition 10 parent permission, in 2022 and 2023 1,877 additional dwellings would be subject to a notable exceedance of the SOAEL criteria in the night-time which are assessed as being significant. The equivalent figure for 2024 is 1,470 dwellings, which is similarly assessed as being significantly adverse.

8.9 In terms of non-residential receptors in 2022 there would be changes of 1 dB or more above the threshold criteria at Caddington (schools), Park Town (academy, nursery), Breachwood Green (school), St Pauls Walden (church), Slip End (school) and at Stevenage Station (college). These impacts are assessed as being significantly adverse. There would be ongoing significant effects in Park Town, Luton to 2024 and at Slip End to 2023.

Dwellings/population exposed to disturbance by overflight

8.10 As ICCAN (*'ICCAN report on the future of aviation noise management, March 2021'*) notes:

> *'The way that metrics are being used continues to evolve. There has been concern that the averaging calculation in the LAeq metrics masks some of the impacts perceived in the community. Consequently, other noise metrics have emerged such as N70, N65 and N60. These are the number of aircraft events overflights (CAA, 2017) at a location in a given time period where the maximum sound level of the event is at least 70 dB(A), 65 dB(A) and 60 dB(A) respectively.'*
>
> *……..*
>
> *N70 [70 dB(A)] Provides an indication of the number of events likely to cause disturbance.*
> *N65 [65 dB(A)] Provides an indication of the number of events likely to cause disturbance.*
> *N60 [60 dB(A)] Increasingly being used at night (over the period 23:00 hours to 07:00 hours) to provide an indication of the extent of potential sleep disturbance.'*

8.11 The planning application assesses the numbers of overflights by aircraft causing 65 dB(A) during the day and 60 dB(A) at night.

8.12 It finds that during the daytime the application would subject, when compared to the parent permission, the following to overflight by aircraft causing 65 dB(A) and likely to cause disturbance during the day to:

In the short term to end 2027 an additional:

- 1,129 dwellings and 2,696 people to overflight by 25 flights or more. This represents a 5% increase.
- 1,982 dwellings and 4,721 people to overflight by 50 flights or more. This represents an 18% increase.
- 879 dwellings and 2,696 people to overflight by 100 flights or more. This represents a 14% increase.
- 1 dwelling and 4 people to overflight by 200 flights or more

In the longer term 2028 onwards the additional overflight generated by the proposals is limited.

8.13 It finds that during the night-time the application would subject, when compared to the parent permission, the following to overflight by aircraft causing 60 dB(A) during the night:

In the short term to end 2027 an additional:

- 3,686 dwellings and 8,520 people to overflight by 25 flights or more. This represents a 1,350% increase.

In the longer term 2028 onwards:

- 1,685 dwellings (671% increase) and 4,405 people (636% increase) to overflight by 25 flights or more.

Health implications of proposed increases in noise levels

8.14 The ES assesses the significance of the health effects of the noise impacts of the proposal.

8.15 By way of illustration, at worst case short term pre-2028 timeframe:

- **residential population** (daytime 51 - 62 dB LAeq 16hr and night-time 45 - 54 dB LAeq 8hr): the magnitude of change is judged to be low to medium adverse with the health effect is judged to be of potentially significance (moderate). [This takes into account an increase in noise exposure indoors and associated health effects (including with windows open and closed) and outdoors (changing the amenity value of public spaces); a minor magnitude of change on children's learning and cognition outdoors (outdoor play is an important part of children's learning), and a minor magnitude of change on social capital through a small reduction in social interaction and helpful behaviours.]
- **residential population** (daytime at or above 63 dB LAeq 16hr and night-time at or above 55 dB LAeq 8hr): the magnitude of change is judged to be medium adverse with the health effect is judged to be of moderate significance [This takes account of the more disruptive effect of noise during sleep and consequent effects on wellbeing, work performance

and learning because of lower quality sleep and the higher occurrence of health effects at these higher exposure levels]. With proposed noise insulation there is expected to continue to be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels because insultation will not be able to mitigate the increase in noise indoors when windows and patio doors are open [e.g. highly sensitive residents with pre-existing cardiovascular conditions and some children and older people with learning or other disabilities or chronic health conditions that may be exacerbated by increases in noise].

- **noise-sensitive facilities:** the magnitude of change Caddington (Caddington Village School, Heathfield Lower School), Park Town, Breachwood Green (Breachwood Green JMI School), St Pauls Walden (All Saints Church),Slip End (Slip End Lower School) and at Stevenage Station (North Hertfordshire College) is judged to be medium to high adverse overall and the health effect is judged to be significant (moderate to high).
- **public open spaces and recreational green spaces:** the magnitude of change is judged to be low to medium adverse. When taking children and older people into account, public open spaces, and recreational green spaces nearer to the airport could experience a magnitude of change that is medium adverse. Therefore, the health effect on public open spaces and recreational green spaces is judged to be potentially significant (minor-moderate).

8.16 By way of illustration, at worst case long term post-2028 timeframe:

- residential population (daytime 51 - 62 dB LAeq 16hr and night-time 45 - 54 dB LAeq 8hr): the magnitude of change is judged to be low to medium adverse and the effect is judged to be of significance (moderate). [This takes into account an increase in noise exposure indoors and associated health effects (including with windows open and closed) and outdoors (changing the amenity value of public spaces); a minor magnitude of change on children's learning and cognition outdoors (outdoor play is an important part of children's learning) and a minor magnitude of change on social capital through a small reduction in social interaction and helpful behaviours].
- residential population (daytime at or above 63 dB LAeq 16hr and night-time at or above 55 dB LAeq 8hr): the magnitude of change is judged to be medium adverse and the heath effect is judged to be of significance (moderate). [this takes account of the more disruptive effect of noise during sleep and consequent effects on wellbeing, work performance and learning because of lower quality sleep, and the higher occurrence of health effects at these higher exposure levels]. With proposed noise insulation there is expected to continue to be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels because insultation will not be able to mitigate the increase in noise indoors when windows and patio doors are open [e.g. highly sensitive residents with pre-existing cardiovascular conditions and some children and older people with learning or other disabilities or chronic health conditions that may be exacerbated by increases in noise].

- Public open spaces and recreational green spaces: the magnitude of change is judged to be low-medium adverse, though when taking children and older people into account, public open spaces, and recreational green spaces nearer to the airport could experience a magnitude of change that is medium adverse and the effect is judged to be of significance (minor-moderate).

Proposed mitigation

8.17 In addition to existing mitigation embedded into the scheme, the application contains proposals to provide additional resources to fund noise insultation of additional properties exposed to levels of noise above the SOAEL threshold.

> *'8.14.10 The additional budget of £1,700,000 (further to the £1,300,000 funding existing) would be sufficient to noise insulate properties in areas above SOAEL as a result of proposed variation to Condition 10 assuming no more than 78% (567 properties) take-up (i.e. the pick-up of residents offered noise insulation in the past). The current take-up of insulation is approximately 50%, therefore the contribution is considered sufficient. Based on the current acceptance rate, the enhanced Noise Insulation Fund would cover additional dwellings above SOAEL by the end of 2022.'*

8.18 The applicant accepts that its proposals will have significant adverse noise impacts on health and quality of life, but suggests that the mitigations proposed in the form of noise insulation, along with existing mitigations, satisfactorily addresses those impacts and render the proposals acceptable.

> *Planning Statement*
>
> *'Table 6.1 Assessment against Policy LLP6*
>
> *The ES Addendum found that there would be significant adverse effects in relation to noise and health. Noise insulation would be offered to minimise the effects of noise to those properties above the SOAEL.*
>
> *Therefore these are considered to have the potential significant effects. Whilst 1,877 dwellings will experience noise levels that are considered significant, all of those properties will be offered mitigation in the form of noise insulation to minimise the effects of noise.*
>
> *Properties that experience an increase in noise above the SOAEL will be offered mitigation in the form of noise insulation to minimise the effects of noise. With this mitigation, the Proposed Amendments therefore comply with this criterion.*
>
> *6.5.39 Overall, the ES Addendum demonstrates that the Proposed Amendments will have significant adverse effects on health due an increase in noise. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures. With this mitigation*

the Proposed Amendments are compliant with the NPPF and the development plan.

6.5.47 ……...Properties that experience noise above SOAEL will be eligible to apply for noise insulation to minimise the effects of increased noise.

6.5.47 ……. Properties that experience noise above SOAEL will be eligible to apply for noise insulation to minimise the effects of increased noise.

6.5.49 …….In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures.

8.1.5 Section 6 of this Planning Statement (with reference to the ES which includes a full assessment of the likely significant effects on the Proposed Amendments) identifies that no properties will experience unacceptable noise levels and no properties will experience significant adverse effects in the day. However, the expansion will lead to significant noise effects at night-time because of an increase in noise compared to the existing situation above a level that is identified in planning policy to have potential significant effects on health and quality of life.

8.1.6 In order to minimise this effect, all properties that will experience a level that is identified in planning policy to have a significant observed adverse effect will be offered mitigation in the form of noise insulation to minimise the effects of noise. The Proposed Amendments therefore complies with this criterion.'

Environmental Statement

'8.14.10 The additional budget of £1,700,000 (further to the £1,300,000 funding existing) would be sufficient to noise insulate properties in areas above SOAEL as a result of proposed variation to Condition 10 assuming no more than 78% (567 properties) take-up (i.e. the pick-up of residents offered noise insulation in the past). The current take-up of insulation is approximately 50%, therefore the contribution is considered sufficient. Based on the current acceptance rate, the enhanced Noise Insulation Fund would cover additional dwellings above SOAEL by the end of 2022.

8.15.1 It is considered that existing mitigation and enhanced mitigation are sufficient to meet the Government's policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the NPSE.'

Luton Borough Council Environmental Protection

8.19 Luton Borough Council Environmental Protection opposes the proposed Variation to Condition 10 on the basis that it is in conflict with Local Planning Policy LL38 (Pollution and Contamination) because:

- it will increase noise levels to dwellings and other noise sensitive property exceeding the Local Planning Authority's limits.

- the application has not referred to the Local Planning Authority's planning and noise guidance.
- the incremental improvements the Local Planning Authority has secured over the long term in reducing noise exposure through regeneration and development will be retrenched if the spread and level of aircraft noise increases.
- there is no clear end point to the increase; only an anticipation that future aircraft will be quieter, quieter aircraft will be used at London Luton Airport and this can be achieved through third parties.
- breaches of the existing allowed noise footprint of the airport occur and the reduction in noise levels anticipated by the airport in back in 2014 has not happened. At this time, now in 2021 the Local Planning Authority is asked to allow more increase in noise and footprint area.
- the applicant anticipates a better future after 2028 by adopting forecasts of newer, quieter aircraft fleets operating from Luton. But, it is apparent either such aircraft do not currently exist in the airlines' ownership or it is not within their intention to deploy and operate them from London Luton Airport.

Luton Borough Council specialist noise advice

8.20 The County Council welcomes the commissioning by the LPA of expert specialist aviation noise advice to assist it in coming to a suitably informed position on the planning application. The County Council is broadly supportive of these findings, which in summary are:

> *'Following my review of Noise Chapter 8 and the associated Appendices, the following are the key findings that require further information and/or careful consideration in determining whether noise is a reason for refusing the application.*
>
> - *The requested variation for Condition 10 is no longer temporary. The application seeks to increase not only the limits for the period up to 2028 (referred to in the ES as the short term (ST) limits) but also the more restrictive limits applicable post 2028 (referred to in the ES as the long term (LT) limits).*
> - *This, in my view, changes the complexion of the application and calls into question whether the proposals are strictly in line with current government policy which seeks to minimise and where possible reduce the number of people significantly affected by aircraft noise. It also requires operators to share the benefits of noise reducing technology with affected communities.*
> - *If permitted, the application is forecast to give rise to significant adverse noise effects at 1,877 dwellings by virtue of night-time noise level increases of more than 1dB arising in locations exposed to average noise above the SOAEL (55dB LAeq,8h).*
> - *Mitigation in the form of enhanced sound insulation is proposed as a response to these significant adverse effects, and the funding of the noise insulation scheme is to be increased substantially (more than doubled). However, there will be insufficient funding to cover the cost of mitigation for all dwellings experiencing significant adverse effects, and in the year in which the worst effects are forecast to arise (2022) funding*

will be have been made available for not more than 600 properties, leaving more than 1,300 properties exposed to significant effects with no opportunity for mitigating them.

- *Some clarification on the measures incorporated into the noise model would be helpful in order to ensure that it fully reflects actual movements at Luton Airport as accurately as possible. It would be useful to get further information on matters such aircraft tracks and operational procedures, noise data used for new generation aircraft and the extent of validation exercise that have been carried out.*
- *The structure of Noise Chapter 8 is difficult to follow and the content is not sufficient to enable the claimed outcomes to be clearly understood. Some further information and/or clarification is therefore required in order to ensure that the full technical noise case is properly put.'*

The County Council's position

8.21 The County Council is strongly of the view that the scale of additional and significant noise exposure and potential health impacts that the proposal would generate in both the short-medium and long term are totally unacceptable.

8.22 The applicant makes much of its proposed mitigation proposals but, according to the applicant, the sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). LBC's specialist noise advisor takes the view that in the year in which the worst effects are forecast to arise (2022) funding will be have been made available for not more than 600 properties, leaving more than 1,300 properties exposed to significant effects with no opportunity for mitigating them. And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

8.23 The County Council is of the view that the failure to offer insulation to 100% of those properties significantly adversely affected and that even when insulated households are subject to potentially significant residual health effects render the additional mitigation noise insulation proposals entirely unacceptable.

8.24 For the reasons set out in paragraphs 3.4-3.8 above, the County Council believes that the NRS that it is proposed be submitted within 12 months of the date of planning permission should have been submitted with the planning application, been subject to public consultation and be an integral element of the decision-making process. In its absence, there is not a sufficient degree of certainty on the longer term 2028 noise environment and given the track record of the applicant, this is unacceptable.

Economic benefit

8.25 The application is contradictory regarding the alleged economic benefits of the proposal. At paragraph 8.1.9 the PS concludes that there are 'significant' economic benefits:

'8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa ……..'

8.26 Whereas at 6.4.3 the PS makes a rather more lacklustre assessment that there are 'more' economic benefits:

'6.4.3 The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission).'

8.27 The ES is even more lacklustre - there *'could be potential for beneficial affects'*:

'4.4.34 The 2012 ES assessed the effects upon employment and the local economy during operation of the 2014 Planning Permission as substantial and significant. There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers.'

…….

'4.4.36 Therefore, as there are no additional significant socio-economic effects that would require further consideration as a result of the Proposed Scheme the conclusions made within the 2014 Planning Permission 2012 ES remain valid, and the socio-economics topic has been scoped out from further assessment.'

8.28 Section 5 of the PS sets out relevant national and local policy in relation to economic benefits and in Section 8 explains why the benefits are such that it is compliant with policy. In summing up the assessment, the planning statement presents the alleged economic benefits of the proposal as a counterbalance to the environmental disbenefits:

'8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations.'

8.29 It would be reasonable to assume that additional growth at the Airport will generate some economic benefit – though given growth is predominantly achieved by increasing load factors and *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* it is also reasonable to assume that the economic benefit will be more restricted than has historically been the case, with less benefit experienced from aircraft movements. But if the applicant is reliant on that economic benefit to allege that it compensates for, counterbalances or outweighs environmental disbenefit, it is incumbent upon it to assess/quantify those alleged benefits.

8.30 But the application is not accompanied by any assessment of the economic benefits associated with the proposal. Only generic information is provided in relation to the existing/general economic attributes of the Airport.

The County Council's position

8.31 In the absence of any intelligence relating to the additional economic benefits specifically relating to the additional proposed 1 mppa throughput, the planning authority cannot come to an informed view on whether any alleged economic benefit is of a scale to warrant outweighing the environmental disbenefit (if it were indeed minded to entertain such a balance given the scale of those disbenefits).

Surface Access

8.32 At paragraphs 6.5.54-6.5.57 the planning application states that *'the estimated increase in passengers from 18 mppa to 19 mppa is likely to have a very minimal impact in traffic volumes…….data shows a continuous increase in public transport modal share, and, as such, the volumes of car borne traffic are likely to be significantly less going forward……...Through a combination of controlled car parking capacity and pricing (monitored through the new targets set out in the Travel Plan), car parking facilities are expected to be sufficient for Proposed Scheme……...The airport has already achieved several of the targets as set in their current Airport Surface Access Strategy ahead of schedule and continues to push further with new targets for 2024. These measures will encourage passengers to use public transport as an alternative to private and single occupancy vehicles.'*

8.33 The Environmental Statement states:

> *'10.9.13 A detailed analysis of the proposed measures for achieving the above presented targets is included in the Travel Plan document. LLAOL's Travel Plan Co-ordinator (under the Surface Access team) will manage the delivery of the Travel Plan. Their role will be to develop the Travel Plan measures and identify a more detailed implementation programme. The Travel Plan Coordinator is expected to increase awareness of sustainable travel options such as car sharing, public transport or cycling and its associated benefits.*
>
> *10.9.15 A monitoring programme will be discussed and agreed between the Travel Plan coordinator and Luton Borough Council. Continuous monitoring of the Travel Plan will assess:*
>
> - *Progress against the SMART targets of the Travel Plan;*
> - *The need for refinements to the Travel Plan; and*
> - *The effectiveness of the Travel Plan for encouraging sustainable travel.'*

The County Council's position

8.34 The County Council is content with the analysis of surface access issues within the transport assessment and welcomes the preparation of a Travel Plan setting out measures to achieve new more challenging modal shift targets than those within the existing Airport Surface Access Strategy.

8.35 Whilst the new Travel Plan proposed to be incorporated into Condition 24 puts in place a range of new measures to achieve the proposed new modal shift targets, the PS, ES and TP do not set out what will happen if the modal shift targets are not met – there are no failure remedies. It appears that the success of the Travel Plan will

be monitored by LLAOL Travel Plan Co-ordinator (TPC) and reported to LBC and where measures underperform *'…….these would need to be reviewed and revised as appropriate, for implementation by the TPC…… If Travel Plan targets are not met, monitoring will be required, and remedial measures introduced to help meet the targets of the Travel Plan.'*. There is no clarity on what happens if the TP fails substantively - for example in relation to the modal shift assumptions underpinning the planning application and targets within the TP. Growth of the Airport should be tied to the ongoing success and predicted success of the targets within the TP. Paragraphs 8.47-54 present options the County Council believes should be explored to ensure there are effective control mechanisms associated with growth.

Carbon/GHG Emissions

8.36 The application material maintains that:

'6.5.30 The proposed scheme:

- *Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO2/yr 'planning assumption' for UK international aviation GHG emissions in 2050.*
- *Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- *Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- *Is consistent with the NPPF requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.*

6.5.31 The Proposed Amendments are considered to have a low GHG emissions magnitude, and the overall effect of projected GHGs associated with the Proposed Amendments on the global climate is considered minor adverse, and therefore not significant based on the commitment for further mitigations. The proposal is therefore considered to be in compliance with Policy LLP37 and LLP38 of the development plan and the NPPF.

The County Council's position

8.37 The County Council welcomes the commissioning by LBC of specialist advice in relation to the Carbon/GHG implications of the proposal. The County Council will review that advice and make further representations, as necessary.

8.38 The findings of the PS/ES are to some considerable extent predicated upon the production by the applicant of a Carbon Reduction Plan. The County Council's views on the process for its preparation, consultation and approval are set out in paragraphs 3.10-3.12.

8.39 Experience would suggest that if the in-operation Airport does not meet expectations and commitments of the planning permission, it is the operation that continues regardless. Dependent upon the GHG/Carbon advice to LBC on the criticality of the CRP, opportunities should be explored to phase growth of the Airport

to the success of delivery of actions and targets within it. Paragraphs 8.47-51 present options the County Council believes should be explored to ensure there are effective control mechanisms associated with growth.

Air quality

8.40 The Planning Statement, supported by the ES, concludes that *'Overall, in respect of air quality, the Proposed Amendments will not have any unacceptable impact on air quality and is therefore compliant with Policy LLP6 and LLP38 of the development plan and the NPPF'*. This reflects the findings of the ES that *'Overall, the air quality impacts are considered to be not significant. All impacts on human receptors are classified as negligible in terms of the IAQM/EPUK guidance, and all impacts on ecological receptors are classified as not significant under Environment Agency guidance. Overall, the potential impacts of the proposed variation to Condition 8 (Passenger throughput cap) of the Proposed Scheme is considered not significant'*.

8.41 Luton Borough Council's Environmental Protection advice is that *'…….Having reviewed the Environmental Impact Assessment submitted in support of this application, its conclusion that the requested changes will not have a significant detrimental effect on air quality is accepted.'*.

The County Council's position

8.42 The County Council has no reason to doubt the findings and conclusions of the PS/ES in relation to air quality and the advice of LBC Environmental Protection. The County Council's position on the approach to air quality is set out in paragraphs 3.13-3.16 above.

Drainage and Water Supply Infrastructure

8.43 The Planning Statement states that LLA has adequate drainage and water infrastructure available in place to accommodate 19 mppa, as long as the peak hour passenger throughput remains the same as that of the existing 18 mppa scenario. A planning condition is proposed to integrate that throughput int any consent.

The County Council's position

8.44 The County Council has no reasons to doubt the findings of the Drainage and Water Supply Infrastructure Appraisal and the proposed approach to imposition of a planning condition on any planning permission, should one be forthcoming, to restrict throughput to a maximum terminal flow capacity.

Waste Management

8.45 The Planning Statement states that LLA has adequate waste management capacity and waste management procedures to accommodate the proposal.

The County Council's position

8.46 The County Council has no reason to doubt the findings of the appraisal of the waste management implications of the proposal and is content with the intention to

incorporate the Site Waste Management Plan (SWMP) into the consent by way of planning condition.

Control Mechanisms/Scrutiny

Environmentally/Green Managed Growth

8.47 The application is underpinned by an expectation that the aviation sector and LLA particularly will recover from the pandemic such that the Airport will be operating at 18 mppa by 2023 and 19 mppa by 2024, were planning permission to be granted. The application contains a range of assessments of the application based on this growth timeline.

8.48 The County Council's response to LLAOL's 19 mppa public consultation called for LLAOL to come forward with proposals in its MP and any planning application to integrate the principles of environmentally managed growth into its 19 mppa proposal – so that there could be a framework of controls put in place to support any consent to facilitate growth whilst securing the intended environmental safeguards and surface access controls.

> *'**Environmentally/Green Managed Growth***
>
> *41. Paragraphs 4 and 5 above and related attachments raise fundamental concerns in relation to the ability of LLA to manage its operations in accordance with restrictions placed on its 2014 planning consent. The extract within paragraph 36 refers to the Environmentally Managed Growth (EMG) proposals of Heathrow Airport Ltd in relation to its 3rd runway proposal – the basic purpose of which is to have the effect of limiting the growth of the airport unless agreed Environmental Limits are observed. A similar approach is being taken by LLAL [Green Managed Growth (GMG)] in developing its DCO proposal. Given the historic failure of LLA to manage its operations to respect environmental limits, the County Council is of the view that it should explore with stakeholders and communities the extent to which it is possible to put in place an E/GMG approach for this 19 mppa proposal – to ensure that key 'limits' (exploring those in relation to noise, surface access modal splits, air quality, GHG emissions) are set and respected. This could be articulated in the master plan and set in place upon the grant of planning permission, were this to be forthcoming.*
>
> ***Summary***
>
> *42. In summary, the County Council's position is as follows:*
> *…….*
> *xii. LLAOL should explore with stakeholders and communities the extent to which it is possible to set up an Environmental Managed Growth approach for the 19 mppa proposal.'*

8.49 The Heathrow approach to EMG covers four themes – noise, air quality, surface access and climate change. It is highly likely LLAL will similarly adopt these themes in moving forward with its approach to Green Managed Growth. The E/GMG approach is essentially to embed environmental and surface access targets into future management of growth/operations – and to limit growth if these limits/targets are not

met. It also provides clarity on scrutiny arrangements and enforcement responsibilities.

8.50 The planning application assesses all four of these themes and considers whether limits or targets would be appropriate and if so, what these should be and the extent to which and how they should be integrated into any consent. With regard to air quality, the implications of the proposal in terms of air quality are minimal and as a consequence there is no requirement for the consent itself to set specific limits. With regard to Carbon/GHG emissions the application similarly maintains the application does not raise any significant issues but also states that this is based on the provision of an outline CRP to inform the decision-making process and subject to a full CRP being produced post-decision. With regard to surface access the planning application proposes to introduce a new TP through amendments to Condition 24 and the TP contains a range of new modal share limits and targets. With regard to noise the application proposes amendments to Condition 10 to restrict noise contours and require the submission of a NRS. In other words, there are assumptions being made about how the Airport will perform in relation to noise, surface access and Carbon/GHGs – though some of these are subject to the future preparation of a NRS and CRP.

8.51 But the planning authority is dealing with an application from an operator with a poor track record in managing its operations in a manner to honour restrictions imposed upon the planning consent and the contract held with communities and stakeholders that was forged when consent was granted. Every day communities suffer from the adverse consequences of that failure. It is the responsibility of both the operator and the planning authority to do everything in their power to ensure that, should planning permission be granted, there are sufficient mechanisms in place to manage operations in a way that respects any new planning consent and the assumptions and limits incorporated within it. The E/GMG approach to growth being conditional upon satisfying environmental and surface access limits is a mechanism that should have been explored. But when one looks at the analysis of the public consultation and LLAOL's response, the potential for E/GMG does not feature, nor the reasons why it is not considered to be appropriate to take forward.

Movement Levels

8.52 The application states that there will be *'only minor operational changes to aircraft movements to accommodate the additional 1 mppa'* - an uplift from 141,481 to 142,566 per annum. The assessment of the environmental impacts and surface access implications of the proposal are based upon an additional 1,085 movements (0.8%) movements. But no restrictions are proposed to be placed on ATMs - for example as is the case in relation to the planning consent at London Stansted Airport (UTT/0717/06/FUL, Secretaries of State decision 8th October 2008), which has both an air transport movement and a passenger throughput condition, as follows.

> *'Air transport movements*
>
> *ATM1 Subject to ATM2 below, from the date that the terminal extension hereby permitted within 'Site A' opens for public use, there shall be at Stansted Airport a limit on the number of occasions on which aircraft may take-off or land at Stansted Airport of 264,000 ATMs(Air Transport Movements) during any twelve month calendar period, of which no more than 243,500 shall be PATMs*

(Passenger Air Transport Movements) and no more than 20,500 shall be CATMs (Cargo Air Transport Movements).

Passenger throughput

MPPA1 The passenger throughput at Stansted Airport shall not exceed 35 million passengers in any twelve month calendar period.'

The County Council's position

8.53 If the planning application is to be approved, the County Council is of the view that an E/GMG approach to growth should be explored:

i. because of its inability to manage its operations to respect the planning permission to 18 mppa, the applicant needs to earn the right to obtain further growth to 19 mppa.
ii. to obtain that right the applicant needs to prove that it is able to meet its proposed revisions to the 18 mppa consent.
iii. should the operator be successful with regard to ii., it can only then move on to growth beyond 18 mppa, phased if necessary to ensure the proposed 19 mppa controls are effectively managed and can be met.
iv. if the 19 mppa controls are not met, what actions will be employed to ensure that breaches are remedied.

8.54 Aircraft movement numbers should be restricted by means of an annual ATM movement limit.

'One-off grants'

8.55 The planning application does not propose to provide any additional funding to the community fund operated at the Airport, but does state that *'LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements'* (Planning Statement, paragraph 6.4.4). No clarity is provided on which councils are to be the recipients of these grants.

The County Council's position

8.56 The County Council is of the view that the failure of the application to provide any clarity on the operation of and beneficiaries to the proposed grants is unacceptable and should be provided. Given the impacts of the proposal on communities the one-off nature of the grants is similarly considered to be unacceptable and the levels proposed derisory.

9. Assessing the planning application against the Development Plan

9.1 Section 8 identifies what the County Council believes to be the key issues generated by the proposal that are key to the decision-making process and its position on these.

9.2 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise [section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004]. This Section appraises the planning application against those development plan policies that are of most relevance to it. Section 10 appraises the application against material considerations.

9.3 The development plan for this planning application is predominantly the Luton Local Plan 2011-2031 dated November 2017. This is the key policy context against which this planning application needs to be assessed. The development plan making up the wider sub-region over which the proposal would have impacts is also relevant.

Luton Local Plan

The Airport

9.4 Policy LLP6 – London Luton Airport Strategic Allocation is a key development plan policy for the planning application.

> ***'Policy LLP6 - London Luton Airport Strategic Allocation***
>
> ***Airport Expansion***
>
> *B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:*
>
> *i. they are directly related to airport use of development;'*

9.5 The proposal is related to use of the Airport.

> *'ii. they contribute to achieving national aviation policies;'*

9.6 For the reasons set out below in Section 10 in relation to compliance with national policy, the application is not consistent with LLP6 B. ii) as a consequence of the significant adverse noise and health impacts and failure to adequately and effectively mitigate for these.

> *'iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;'*

9.7 Luton Borough Council has not adopted a Master Plan for the Airport. At the time of writing this criterion is not relevant.

> *'iv. do not result in a significant increase in Air Transport Movements that would adversely affect the amenities of surrounding occupiers or the local environment (in terms of noise, disturbance, air quality and climate change impacts);'*

9.8 The application does not propose a significant increase in Air Transport Movements and so the application is not in conflict with this criterion. The increased movements do, however, contribute to the significant adverse noise and health impacts on communities and the environment on the amenities of surrounding communities as rehearsed in the application and in paragraphs 8.3-8.24.

> *'v. Achieve further noise reduction or no increase in day or night time noise in accordance with any imposed planning condition or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;'*

9.9 For the reasons set out in paragraphs 8.3-8.24 the proposal would not result in a noise reduction or no increase in noise – the opposite in fact – the planning application is to increase noise level restrictions of conditions imposed on the parent planning consent. It would increase the number of households/people to excessive noise. For the reasons set out in paragraphs 10.84-10.88 the planning application is not in accordance with the Airport's most recent Airport Noise Action Plan (it is fundamentally at odds with Action ref 3.4 and KP3). The application is in conflict with this criterion.

> *'vi. include an 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;'*

9.10 For the reasons set out in paragraphs 8.3-8.24 the applicant has failed to come forward with an effective noise control, monitoring and management scheme that would enable the application to be in accordance with the Luton Local Plan or potentially any planning consent granted. As a consequence the planning application is contrary to this criterion.

> *'vii. include proposals which will over time result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents and occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise;'*

9.11 The application is partly generated by the inability of the Airport to run its operations to honour the noise restrictions placed upon its parent consent and the likely continuing breach of that consent in the short-medium term.

9.12 In the longer term, the existing planning permission to 18 mppa requires the application to submit a strategy to reduce the size of day and night noise contours by 2028 to within specific spatial extents. This application seeks to amend the parent consent to enlarge those 2028+ contours. So in the longer term, whilst a reduction in noise contours is to be achieved in the same way as the existing planning permission, that reduction will be smaller than those that are required by the existing planning permission.

9.13 For the reasons set out in paragraphs 8.3-8.24, the proposal can only be in conflict with this criterion – it will not result in a significant diminution or betterment – the opposite in fact.

viii.

9.14 not relevant.

ix.

9.15 not relevant.

9.16 The proposal does not meet **all** LLP6 B policy criteria and does therefore not accord with the key Development Plan policy applying to this proposal.

Climate change/Carbon/Waste reduction/Sustainable Energy

9.17 With regard to climate change, energy and sustainable energy Policy LLP37 states that *'The Council will support development proposals that contribute towards mitigation, and adaptation to climate change through energy use reduction, efficiency, and renewable, and decentralised energy'* and that LBC *'will support development that reduces energy demand; considers energy generation from low and zeros carbon sources on site; considers decentralised energy networks and generation; and off-site solutions, retro fitting, and carbon reduction schemes'*.

9.18 The planning application is considered to be generally compliant with the development plan, but the CRP appears to be of key importance to that compliance. As a consequence, paragraphs 3.10-3.12 set out the County Council's position on how the preparation of, consultation upon and integration of the CRP into decision-making and any consent should be managed.

9.19 With regard to waste, Policy LLP37 states that the Council encourages an overall reduction in the amount of waste generated, treated and disposed of to reduce the need for land for waste management. Proposals that are likely to generate significant volumes of waste through development or operational phases will be required to include a waste audit as part of the application.

9.20 The application has assessed waste management capacity and waste management procedures and concluded that these are sufficient to manage waste arising to accommodate the Proposed Amendments and the Site Waste Management Plan (SWMP) contains strategies for improved management and minimisation of waste at the airport, with targets to reduce passenger waste rates that should further reduce the impact of Proposed Amendments on waste arisings. The planning application is considered to be compliant with this aspect of Policy LLP37.

Pollution and contamination

9.21 Policy LLP38 'Pollution and Contamination Pollution' states that evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required.

9.22 For the reasons set out in paragraphs 8.3-8.24 the planning application would generate significant adverse noise effects on health and the environment and does not propose and cannot effectively mitigate against those impacts. The planning application can only be in conflict with Policy LLP38.

9.23 The planning application is considered to be broadly consistent with the development plan with regard to air quality, but for the reasons set out in paragraphs 3.13-3.16 the preparation of an air quality management plan should be progressed to inform decision-making and be integrated into any consent, along with the introduction of wider control mechanisms (paragraphs 8.47-8.54).

The economy

9.24 Strategic Objective 1 of the economic strategy is to *'retain and enhance Luton's important sub-regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport's existing operations and to support the airport's sustainable growth over the Plan period based on its strategic importance'* and Policy LLP13: Economic Strategy states that *'…….planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region. Jobs will be generated through business and industry development on strategic employment allocations,…… The strategic allocations for delivery are:……..ii. London Luton Airport (Century Park): mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use (see Policy LLP6);……..'*

9.25 The planning application contains no evidence of the economic benefits of the proposal, despite these alleged benefits (variously described by the applicant as 'significant', 'more', 'could be potential for') being presented as compensating for and outweighing the acknowledged significant environmental harm. Given the scale of the economic benefits have not been assessed, the extent to which the application can be judged to perform against these aspects of the LLP cannot be quantified and therefore neither can the extent to which is complies with LLP13.

Surface access

9.25 Paragraph 11.5 states that mitigation will be required against and any additional load on the local transport network arising from airport growth and paragraph 11.6 states that Government policy requires significant traffic generating uses to be supported by a Transport Statement or Transport Assessment (NPPF paragraph 32).

9.26 Policy LLP31 - Sustainable Transport Strategy states that planning permission will be granted for proposed developments that meet a range of criteria (were relevant to individual proposals) that include minimising the need to travel, providing sustainable transport choice with priority for buses, pedestrians, and cyclists, reduce road congestion (particularly at peak times), provides cycle parking / storage; and ensures the quality of the local environment is not compromised. Transport Assessments, Transport Statements, and Travel Plans should be provided for developments and should conform to the stated requirements. With regard specifically to LLA Policy LLP31 states that support for the continued economic success of the Airport as a transport hub will be delivered through measures to ensure there is capacity at strategically important junctions and continued enhancement of

sustainable modes of transport. Policy LLP32 – Parking states that parking provision will be stringently controlled at the Airport.

9.27 The County Council is of the view that the planning application is broadly compliant with the Luton Local Plan in relation to surface access, but for the reasons set out in paragraphs 8.34-8.35, 8.47-51 there is a need to explore how the commitments within the Travel Plan can be integrated into any consent in such a way that growth is conditional upon measures, commitments and targets within it being met.

The Development Plan of adjoining districts

9.28 As rehearsed in Annex 2 paragraph A33, relevant policies in adjoining existing and emerging local plans seek to minimise and protect against the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

9.29 For the reasons set out in paragraphs 8.3-8.24, the planning application is considered not to be compatible with the thrust of the development plan of adjoining areas.

Conclusion on accordance with the development plan

9.30 In relation to noise and health, the County Council considers the significant noise and health impacts of the proposal are such that it brings it fundamentally into conflict with the key Luton Local Plan development plan policies for this application – LLP6 and LLP38. It is also considered to be generally non-compliant with the development plan of adjoining boroughs/districts.

9.31 On matters relating to climate change, surface access, drainage and water supply, waste and energy management and air quality the application is considered to be broadly compliant with the development plan. However, with regard to carbon, surface access and air quality that compliance is to some and varying extent dependent on the provision of and consultation upon further information and commitments from the applicant and their consideration through the decision-making process, along with potential integration of control mechanisms into any consent, were one to be forthcoming.

9.32 The planning application is considered to be broadly consistent with Luton Local Plan policies relating to the economic benefits, but because the scale of those benefits has not been assessed they cannot be used to outweigh the significant environmental disbenefits of the planning application.

9.33 On balance, the scale of non-compliance with the development plan is such that the application should be refused.

10. Assessing the planning application against material considerations

10.1 Material considerations are likely to include:

- National Planning Policy Framework
- Aviation Policy Framework
- National Planning Practice Guidance
- Aviation 2050: The Future of UK Aviation
- Beyond the Horizon The future of UK Aviation Making best use of existing runways
- Airports National Policy Statement
- A Green Future: Our 25 Year Plan to Improve the Environment
- Noise Policy Statement for England
- Air Navigation Guidance
- London Luton Airport Operations Limited Revised Masterplan 2012
- Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport
- Luton Borough Council Planning and Noise Guidance
- LLA Master Plan 19 MPPA Final Report January 2021
- Relevant Local Transport Plans
- LBC Climate Action Support January 2020

National Planning Policy Framework

Presumption in favour of sustainable development

10.2 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Criteria a and b relate to plan-making and criteria d) relates to circumstances in which there is not an up to date development plan in place or where policies are out of date, neither of which apply in this case. Only criteria c), requiring approval of development proposals without delay where they accord with an up-to-date development plan is of relevance to this planning application. For the reasons set out above in paragraphs 9.30-33 this planning application is not in accordance with the development plan and therefore in conflict with the presumption in favour of sustainable development.

Economic growth

10.3 Paragraph 80 of the NPPF states that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'* and that *'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development……..'*.

10.4 The planning application would create conditions for business investment and expansion, but the application has not made a sufficient case for the economic benefit of the proposal being of such a scale as to outweigh the significant adverse noise and health disbenefits, for the reasons set out in paragraphs 8.25-8.31.

Promoting sustainable transport

10.5 Paragraph 102 states that transport issues should be considered from the earliest stages of development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities to promote walking, cycling and public

transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

10.6 Paragraph 108 states that applications should ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

10.7 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.8 Paragraph 110 states that planning applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; address the needs of people with disabilities and reduced mobility in relation to all modes of transport; create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

10.9 Paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

10.11 The planning application would not have a severe impact upon the road network, a transport assessment has been prepared, sustainable modes and modal shift targets are pursued, and a Travel Plan is presented and proposed to be incorporated into any consent. The application is considered to be generally consistent with the thrust of NPPF with regard to transportation issues.

Meeting the challenge of climate change, flooding and coastal change

10.12 Paragraph 150 states that new development should be planned for in ways that *'……..can help to reduce greenhouse gas emissions, such as through its location, orientation and design……..'*.

10.13 Whilst the planning application does not relate to 'new' development', the planning application will increase greenhouse gas emissions, though there are proposals to prepare a Carbon Reduction Plan. For the reasons set out in paragraphs 8.37-9, there need to be effective mechanisms to ensure carbon/GHG emission reduction is integrated into any consent. The extent to which the proposal would sit comfortable with the NPPF is therefore dependent upon that process.

Conserving and enhancing the natural environment

10.14 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

> *'……..*
> *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and……'*

10.15 For the reasons set out in paragraphs 8.3-8.24, this proposal would not prevent development from contributing to existing development being put at unacceptable risk from or being adversely affected by noise pollution, nor would it improve local environmental conditions. The application is in conflict with paragraph 170 of the NPPF.

Ground conditions and pollution

10.16 Paragraph 180 of the NPPF states that planning decisions should ensure that new development is *'appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

> *'a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;'*

10.17 For the reasons set out in paragraphs 8.3-8.24 this proposal is not appropriate for its location as a consequence of its impact on pollution and health and living conditions. It does not and cannot successfully mitigate against adverse noise impacts. The application is in conflict with paragraph 180 of the NPPF.

10.18 Paragraph 181 states that '*decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement……...'.*

10.19 For the reasons set out in paragraphs 8.42 the planning application is considered to be compliant with the NPPF in relation to air quality matters.

Aviation Policy Framework (APF)

Best use of existing airport capacity

10.20 Paragraphs 1.24 and 1.60 state that *'1.24 The Government wants to see the best use of existing airport capacity……...However, we recognise that the development of airports can have negative as well as positive local impacts, including*

on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts' and *'1.60 In the short term, to around 2020, a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports'*.

10.21 Whilst the application seeks to make better use of the Airport's existing runway:

- for the reasons set out in paragraphs 8.3-8.24 it does not , this proposal does not and cannot adequately manage environmental and community impacts as a consequence of the significant adverse noise impacts.
- for the reasons set out in paragraphs 8.25-8.31 it is not possible to assess the significance of economic impacts.
- and on balance the negative impacts of the proposal are unacceptable.

Noise

10.22 At paragraph 3.3 the APF states:

> *'3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.'*

10.23 For the reasons set out in paragraphs 8.25-8.31 the alleged economic benefits of allowing this proposal have not been quantified (variously described by the applicant as 'significant', 'more', 'could be potential for') and as a consequence it is not possible to come to an informed judgement about what a 'fair balance' might be.

10.24 This proposal does not propose to reduce noise – the opposite in fact.

10.25 This proposal does not and cannot fully mitigate against noise impacts created by it.

10.26 It is difficult to see how this application shares the benefits of growth with local communities.

10.27 The application is considered to be in conflict with paragraph 3.3 of the APF.

10.28 At paragraph 3.12 the APF states:

> *'3.12 The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.'*

10.29 The application does propose to put in place limits of the number of people significantly affected by aircraft noise, but those limits increase the number of those so affected – so the proposed limits do not reduce those significantly impacted, it

increases them. In the longer term there are limits proposed which would reduce those significantly affected by 2028 and beyond, but those reductions are less than those that are currently in place. On balance, whilst the application does propose limits, those limits increase those significantly affected and for the reasons set out in paragraphs 8.3-8.24 the application is considered to be in conflict with paragraph 3.12 of the APF.

10.30 At paragraph 3.24 the APF states:

> *'3.24 The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.'*

10.31 And at paragraph 3.28 the APF states:

> *'3.28 The Government expects airports to make particular efforts to mitigate noise where changes are planned which will adversely impact the noise environment. This would be particularly relevant in the case of proposals for new airport capacity, changes to operational procedures or where an increase in movements is expected which will have a noticeable impact on local communities. In these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.'*

10.32 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot compensate impacted communities in the form of insulation and is therefore in conflict with paragraphs 3.24 and 3.28 of the APF.

Night noise

10.33 At paragraphs 3.34 and 3.35 Government sets out its position on night noise.

> *'3.34 <u>The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations.</u> However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.*
>
> *3.35 <u>In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available.</u> We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.'*

10.34 The most significant adverse noise and health impacts of the proposal are caused by night time operations. For the reasons set out in paragraphs 8.3-8.24 those impacts are considered to be totally unacceptable. The planning application can only be in conflict with Government policy on night noise.

10.35 At paragraphs 3.37-3.39 the APF states:

> *'3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.*
>
> *3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.*
>
> *3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.*
>
> *……..'*

10.36 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot compensate impacted communities in the form of insulation and is therefore in conflict with paragraphs 3.37-3.39 of the APF.

Air quality and other local environmental impacts

10.37 Paragraphs 3.48, 3.51 and 3.52 set out Government policy in relation to air quality as being:

> '3*.48 Our policy on air quality is to seek improved international standards to reduce emissions from aircraft and vehicles and to work with airports and local authorities as appropriate to improve air quality, including encouraging HGV, bus and taxi operators to replace or retrofit with pollution-reducing technology older, more polluting vehicles.*
>
> *3.51 Studies have shown that NOx emissions from aviation-related operations reduce rapidly beyond the immediate area around the runway. Road traffic remains the main problem with regard to NOx in the UK. Airports are large generators of surface transport journeys and as such share a responsibility to minimise the air quality impact of these operations. The Government expects them to take this responsibility seriously and to work with the Government, its agencies and local authorities to improve air quality.*

3.52 Whilst our policy is to give particular weight to the management and mitigation of noise in the immediate vicinity of airports, there may be instances where prioritising noise creates unacceptable costs in terms of local air pollution. For example, displacing the runway landing threshold to give noise benefits could lead to significant additional taxiing and emissions. For this reason, the impacts of any proposals which change noise or emissions levels should be carefully assessed to allow these costs and benefits to be weighed up.

10.38 For the reasons set out in paragraphs 8.40-8.42 the planning application is considered to be compliant with the APF in relation to air quality matters.

Surface access

10.39 Paragraphs 5.11 and 5.12 of the APF set out Government policy in airport surface access issues:

'5.11 All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.
5.12 The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with additional passengers travelling to and from expanded or growing airports. Where the scheme has a wider range of beneficiaries, the Government will consider, along with other relevant stakeholders, the need for additional public funding on a case-by-case basis.'

10.40 For the reasons set out in paragraphs 8.32-8.35 the planning application is considered to be broadly consistent with Government policy.

National Planning Practice Guidance (NPPG)

10.41 Amongst other matters, NPPG states:

'Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

……..

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

……..

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.
……..

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

……

In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.

……

……..In general, for noise making developments, there are 4 broad types of mitigation:

……

- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.'*

10.42 For the reasons set out in paragraphs 8.3-8.24 the noise impacts are significant and unacceptable. This proposal does not introduce any additional mitigation measures for those newly subjected to LOAEL. It is unable to avoid the Airport crossing the SOAEL threshold and cannot provide effective mitigation. The economic and social benefits of the proposal are not assessed and therefore, for the reasons set out in paragraphs 8.25-8.31, and the application must be considered 'undesirable'. The application is in conflict with the NPPG.

10.43 With regard to air quality NPPG states that '……*It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified……..Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air*

quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.

Where air quality is a relevant consideration the local planning authority may need to establish:

- *the 'baseline' local air quality, including what would happen to air quality in the absence of the development;*
- *whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- *whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.*

……..'

10.44 For the reasons set out in paragraphs 8.40-8.42 the proposal is considered to be generally consistent with the NPPG with regard to air quality.

10.45 NPPG contains a whole section on Travel Plans, Transport Assessments and Statements from paragraph: 001 Reference ID: 42-001-20140306 through to 015 Reference ID: 42-015-20140306. Amongst a range of other matters NPPG identifies:

- Travel Plans, Transport Assessments and Statements are all ways of assessing and mitigating the negative transport impacts of development in order to promote sustainable development……
- Travel Plans are long-term management strategies for integrating proposals for sustainable travel into the planning process. They are based on evidence of the anticipated transport impacts of development and set measures to promote and encourage sustainable travel (such as promoting walking and cycling)…….
- Transport Assessments and Statements are ways of assessing the potential transport impacts of developments (and they may propose mitigation measures to promote sustainable development. Where that mitigation relates to matters that can be addressed by management measures, the mitigation may inform the preparation of Travel Plans).
    - Travel Plans, Transport Assessments and Statements can positively contribute to:
    - encouraging sustainable travel;
    - lessening traffic generation and its detrimental impacts;
    - reducing carbon emissions and climate impacts;
    - creating accessible, connected, inclusive communities;
    - improving health outcomes and quality of life;
    - improving road safety; and
    - reducing the need for new development to increase existing road capacity
- Transport Assessments and Statements can be used to establish whether the residual transport impacts of a proposed development are likely to be "severe", which may be a reason for refusal, in accordance with the National Planning Policy Framework.

10.46 For the reasons set out in paragraphs 8.32-8.35 the proposal is considered to be generally consistent with the NPPG with regard to transport assessment and travel planning.

Aviation 2050: The Future of UK Aviation (A2050)

Making best use

10.47 At paragraph 1.21, 3.6, 3.11 and 4.3 A2050 states:

'1.21 …….It is also supportive of airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts.

3.6 ……...The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.

3.11 The government believes that forecasted aviation demand up to 2030 can be met through a Northwest runway at Heathrow and by airports beyond Heathrow making best use of their existing runways subject to environmental issues being addressed. ……...

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

10.48 Whilst the application seeks to make better use of the Airport's existing runway:

- for the reasons set out in paragraphs 8.3-8.24 it does not, this proposal does not and cannot adequately manage environmental and community impacts as a consequence of the significant adverse noise impacts.
- for the reasons set out in paragraphs 8.25-8.31 it is not possible to assess the significance of economic impacts.

A partnership for sustainable growth

10.49 At paragraph 1.33, 1.35 and 3.112 A2050 states:

'1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.

1.35 This is the motivation behind a new Aviation Strategy which will:
……...

- ***ensure that aviation can grow sustainably** – moving beyond an artificial 'choice' between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts*

- ***support regional growth and connectivity*** *– ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country*
- ……..

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth……'

10.50 The County Council believes that a partnership was entered into when the original parent planning consent was granted which balanced the economic benefits of growth with the impacts upon communities and the environment. This proposal betrays that partnership. It cannot be considered to rise to Government expectations for the industry to commit to noise reduction and mitigation.

Managing noise/Ensure aviation can grow sustainably

10.51 At paragraphs 3.3, 3.102, 3.105, 3.106, 3.112, 3.113, 3.114 and 3.115 A2050 states:

'3.3 Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions. There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required. Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.

The impact of aviation noise

3.102 The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.
……

3.105 However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19). The CAA's report also shows that the number of people affected will be higher as a result of population increases.

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise.
……

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth. The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is "to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development."

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. 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.

3.115 The proposed new measures are:

- *setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017*
- *developing a new national indicator to track the long term performance of the sector in reducing noise. This could be defined either as a noise quota or a total contour area based on the largest airports*
- *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. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available*
- *requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically. This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels. The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps. The noise action planning process could potentially be*

developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA.'

10.52 For the reasons set out in paragraphs 8.3-8.24 this proposal is not consistent with Government intentions to put in place a stronger and clearer framework where industry reduces noise/puts in place mitigation measures where reductions are not possible. The original planning consent put in place appropriate limits to restrict adverse effects on health and quality of life from aviation noise. The noise contour restrictions put in place in the original planning consent are consistent with Government expectations that noise caps are set as part of planning approvals to balance noise and growth and to provide future certainty over noise levels to communities. This proposal seeks to increase limits and take away certainty to communities achieved by the original parent planning consent. The proposal is not consistent with these paragraphs of A2050 and is considered to be unacceptable for the reasons set out in paragraphs 8.3-8.24.

10.53 Paragraphs 3.121 and 3.122 of A2050 state:

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*

10.54 For the reasons set out in paragraphs 8.3-8.24 the noise insulation mitigation package presented in the proposal is inadequate and ineffective. The ES takes the level of 63dB LAeq, 16hr as a suitable value for the SOAEL for the assessment of likely significant adverse effects. This is based on paragraphs 3.37-3.39 of the APF and is the level at which the Government expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals and residential properties exposed to levels of noise of 63 dB LAeq,16h or more. A2050 proposes to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr and sees this is *'an important element in giving impacted communities a fair deal'*. The County Council is of the view that the planning application should also have used the 60dB LAeq 16hr as an alternative suitable value

for SOAEL for the assessment of likely significant adverse effects as it represents an indication of where Government currently stands on protection of communities in terms of mitigation.

Surface access/Sustainable journeys to the airport

10.55 A2050 states:

'3.67 It is important to have good surface access links with airports. All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts.

3.99 The government's expectation is that airports, through their surface access strategies, set targets for sustainable passenger and staff travel to the airport which meet, where possible, the ambitions set by the government and for these to be monitored by their respective Airport Transport Forums.

3.101 The government expects airports to make the most of their regional influence to provide innovative solutions and incentives against ambitious targets which reduce carbon and congestion and improve air quality.

10.56 For the reasons set out in paragraphs 8.32-8.35 the application is considered to be broadly consistent with A2050.

Air quality

10.57 A2050 states:

'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.

Proposed measures

3.127 The government recognises the need to take further action to ensure aviation's contribution to local air quality issues is properly understood and addressed and is proposing the following measures:

- *requiring all major airports to develop air quality plans to manage emissions within local air quality targets. This will be achieved through establishing minimum criteria to be included in the plans……..'*

10.58 For the reasons set out in paragraphs 8.40-8.42 the planning application is considered to be broadly consistent with A2050 with regard to air quality matters.

Community engagement and sharing benefits from growth

10.59 A2050 states:

'3.71 In recognition of their impact on local communities and as a matter of good corporate social responsibility, a number of airports have community funds which exist to provide funding for local community projects. There is currently no national policy on such funds. In relation to the proposed Heathrow Northwest runway, the Airports NPS expects ongoing community compensation will be proportionate to environmental impacts.

3.72 The government believes all major airports should establish and maintain community funds, to invest sufficiently in these so that they are able to make a difference in the communities impacted and to raise the profile of these funds. The levels of investment should be proportionate to the growth at the airport. Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. The government proposes to:

- *produce guidance on minimum standards for community funds……..'*

10.60 The planning application does not propose to provide any additional funding to the community fund operated at the Airport, but does state that *'LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements'* (Planning Statement, paragraph 6.4.4). No clarity is provided on which councils are to be the recipients of these grants and the levels proposed are considered to be derisory.

10.61 The planning application is therefore considered to be generally non-compliant with Government policy in relation to community funds.

A 2050 vision for tackling emissions

10.62 A2050 states that:

'3.85 The government recognises that international action takes time, so will also consider appropriate domestic action to support international progress. The UK's trajectory to meeting its Climate Change Act 2050 target is set out in five-yearly carbon budgets that currently exclude emissions from international aviation. However, the Committee on Climate Change (CCC), established by the Climate Change Act as the independent advisory body on climate change, recommends that international aviation should be included by 2050.

3.86 In order to implement the government's long term vision for addressing UK aviation emissions, the government will maintain its current policy not to mandate sector specific emissions reduction targets to ensure reductions are made wherever it is most cost effective across the economy.

3.87 The government agrees with the current CCC advice that international aviation emissions should, for now, continue to be formally excluded from carbon budgets. The government proposes therefore, to continue using the CCC advice and leave 'headroom' for international aviation when setting carbon budgets so that the economy as a whole is on a trajectory to meeting the 2050 Climate Change Act target (including international aviation). To set a clear level of ambition for the sector, the government proposes to:

accept the CCC's recommendation that emissions from UK-departing flights should be at or below 2005 levels in 2050'

10.63 This aspect of A2050 has been superseded by changing national policy. Nevertheless, for the reasons set out in paragraphs 8.36-8.39 the planning application is considered to be broadly compatible with the A2050 in relation to GHG/Carbon.

Beyond the Horizon The future of UK Aviation Making best use of existing runways (MBUER) June 2018

10.64 Paragraphs 1.22, 1.24 and 1.29 of MBUER state:

'Local environmental impacts

1.22 The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. 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.

1.24 As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.'

'1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.'

10.65 For the reasons set out in paragraphs 8.3-8.24 the proposals would result in unacceptable noise impacts, and whilst mitigation is proposed, this cannot address impacts in full. The economic benefits of the proposal have not been assessed (and are variously described by the applicant as 'significant', 'more', 'could be potential for'). The planning application is considered to be in conflict with paragraphs 1.22, 1.24 and 1.29 of MBUER.

Airports National Policy Statement (ANPS)

10.66 The ANPS states:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. Having analysed the responses, the Government has

confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.'

Noise

Introduction

5.44 The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- *Avoid significant adverse impacts on health and quality of life from noise;*
- *Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- *Where possible, contribute to improvements to health and quality of life.'*

10.67 For the reasons set out in paragraphs 8.3-8.24 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Surface access

10.68 In relation to surface access, the ANPS states that '*5.5 The Government's objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality. '*

10.69 For the reasons set out in paragraphs 8.32-8.35 the planning application is considered to be broadly compliant with the surface access expectations of the ANPS. However, that compliance is considered to be subject to the integration of effective control and monitoring arrangements as set out in paragraphs 8.47-8.54.

Carbon emissions

10.70 Paragraphs 5.69 and 5.70 of the ANPS set out Government objectives in relation to GHG emissions.

Introduction

5.69 The Planning Act 2008 requires that a national policy statement must give reasons for the policy set out in the statement and an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change. The Government has a number of international and domestic obligations to limit carbon emissions. Emissions from both the construction and operational phases of the project will be relevant to meeting these obligations.

5.70 The Government's key objective on aviation emissions, as outlined in the Aviation Policy Framework, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.

10.71 For the reasons set out in paragraphs 8.36-8.39, the planning application is considered to be generally consistent with the ANPS in relation to GHG emissions.

A Green Future: Our 25 Year Plan to Improve the Environment

10.72 The 25 year Plan states:

'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. We must ensure that noise and light pollution are managed effectively.'

10.73 For the reasons set out in paragraphs 8.3-8.24 the proposal would not ensure that noise pollution is effectively managed. The planning application is considered to be in conflict with the Government's 25 Year Plan.

Noise Policy Statement for England (NPSE)

10.74 The NPSE states:

'Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.*

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

10.75 For the reasons set out in paragraphs 8.3-8.24 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Air Navigation Guidance 2017 (ANG)

10.76 One of the four key objectives of ANG is to:

> *'• emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.'*

10.77 For the reasons set out in paragraphs 8.3-8.24 this proposal does not and cannot mitigate against the environmental impact.

10.78 ANG goes on to state:

> *'Assessing the noise implications of proposed airspace changes*
>
> *3.4 As stated in section 1.2(a) of this guidance, one of the government's three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.*
>
> *3.5 For the purpose of assessing airspace changes, the government wishes the CAA to interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis. As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.*
>
> *3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise. The CAA's overflights metric is a means of portraying those locations where residents will experience being overflown. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.*
>
> *3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.*

4. Detailed Management of aircraft noise: guidance for airports, airlines and air navigation service providers and CAA in respect of CAA's noise management function

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.'

10.79 For the reasons set out in paragraphs 8.3-8.24 this proposal would have significant and unacceptable adverse noise impacts upon communities. This does not represent a fair balance between the economic benefits and the negative impacts of noise.

London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012 (AMP)

10.80 The existing Master Plan for the Airport provides a framework for and assesses the implications of and makes commitment in relation to a LLA operating at 18 mppa:

'1.5 LLAOL and LLAL have subsequently reviewed their respective proposals and agreed that a single planning application should be prepared and submitted by LLAOL. Both parties have agreed that the planning application should seek consent to improve passenger facilities and enable the Airport to accommodate 18 mppa by 2031.

5.5 The proposals have also been designed to be as efficient and effective as possible and to use existing infrastructure to the fullest extent commensurate with this.'

10.81 The planning application seeks to grow the airport to a throughput of beyond 18 mppa and can therefore only be non-compliant with the published Master Plan for the Airport.

10.82 Paragraphs 9.26 and 9.27 of the Master Plan state:

'9.27 The management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be. The Airport's approach to noise management was recently reviewed, and led to the production of the Luton Airport Noise Action Plan 2010-2015 (NAP), which was approved by the DfT and Defra. In its recent consultation on airport development, LLAOL made clear that the 55 action items identified in the approved NAP should be developed and supplemented to address "possible" future noise impacts. The NAP therefore forms the first part of the approach to

noise management contained in this revised masterplan and will be reviewed on a five yearly cycle. However, LLAOL has identified six new initiatives all designed to supplement the content of the NAP with the intention of both reducing and mitigating airport related noise. These initiatives also respond to the consultation undertaken in Spring 2012 and are described below.

9.28 A key issue for LLAOL is to minimise and manage all noise but in particular night noise. Future aircraft operations are likely to be inherently less noisy as a result of re-engining of the fleet at Luton, in particular the Boeing 737 and Airbus A320 family of aircraft. However, the timing of these changes is not certain. As a result, LLAOL seeks to deliver improvements that will be effective regardless of fleet mix. Figure 9.4 highlights certain current NAP actions, and those supplementary measures (in italics) we now propose, which are related to the planning application to grow the Airport to accommodate 18 mppa.

9.29 The development and inclusion of supplementary measures, are proposed in order to minimise noise impact from the proposed growth of the Airport. The measures will be subject to regular review such that future changes can be incorporated if found beneficial. It is anticipated that the measures will be incorporated into conditions and/or a section 106 agreement associated with the grant of any planning permission.

9.30 Together these measures constitute a robust and comprehensive approach, responding to the government's clearly stated objective of achieving tougher noise management regimes at airports.

10.83 History tells us that the commitments made within the published Master Plan and the terms of the subsequent planning permission have failed – to the extent that breaches in noise controls have occurred. Amongst other matters the planning application seeks to simply remedy that failure. The planning application can only be in conflict with the Master Plan.

Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)

10.84 The NAP states:

'London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts. This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon it's established approach to the proactive management of aircraft noise in and around the airport.'

'Framework for Noise Management

Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also

shares in the success of the airport. At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise.

Once the current development is complete, LLA will contribute £1.4 billion per year to the local economy and £2.3billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.'

10.85 The balance to be struck between the economic benefits of growth at the Airport and the management of noise and protection of communities was established when the original parent planning consent was granted. The NAP commits to the restrictions placed on the planning permission:

'…….This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.'

10.86 Key to achieving the balance between the economic benefits of growth and managing adverse environmental impacts was the imposition of a noise contour condition on the planning permission. This NAP contains a commitment in Action ref 3.4:

'We will operate within our agreed contour area limits'

10.87 It also contains a Key Performance Indicator (KP3):

'Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.'

10.88 The NAP was developed and submitted to DEFRA under the full knowledge that operations at the Airport were failing to comply with night time noise contour restrictions and that a planning application was in preparation to seek to vary both day and night noise contour areas. This planning application is in part required to address breaches of planning control at the Airport and must be considered to be fundamentally at odds with Action ref 3.4 and KP3 of the Noise Action Plan 2019-2023 approved by DEFRA.

Luton Borough Council Planning and Noise Guidance

10.89 Amongst other matters Luton Borough Council's Planning and Noise Guidance states:

Time	Area	Maximum noise level
Daytime noise 07:00 – 23:00	Living rooms	40 dBL_{Aeq} (16hr)
	Outdoor amenity	55 dBL_{Aeq} (1hr)
Night time noise 23:00 – 07:00	Bedrooms	30 dBL_{Aeq} (8hr) 45 dBL_{Amax}

10.90 Luton Borough Council's Environmental Protection has confirmed that the proposal is in conflict with these limits.

LLA Master Plan 19 MPPA Final Report January 2021

10.91 The Master Plan is prepared as a framework for this planning application and as a consequence the application is consistent with it. However, at the time of writing the Master Plan has no status. Were it to have status at the time the planning application is determined, Section 4 of this representation applies – the MP is currently not fit-for-purpose.

Local Transport Plans

10.92 The ***Luton Local Transport Plan*** (2011-2026) is supportive of generating continued employment and prosperity by improving access to employment and skills/training opportunities for local residents, giving people the opportunity to choose more sustainable travel habits by implementing transport schemes and travel planning initiatives to maximise the role of public transport, walking and cycling, supporting Luton's growth as an international gateway (in the context of both the growth of London Luton Airport and ease of access to the new Channel Tunnel Rail Link terminus at St Pancras); reducing single occupancy car journeys within, to and from Luton in part by increasing the use of more sustainable modes of transport (particularly through travel planning processes). The planning process is seen as having an important role to play in requiring travel plans for a range of different developments - to ensure the successful delivery and implementation of development travel plans LBC will develop an effective travel plan monitoring and enforcement regime.

10.93 The ***Central Beds Local Transport Plan 3*** (April 2011-March 2026) similarly seeks to increase the ease of access to employment by sustainable modes and sees new developments not impacting negatively on the surrounding areas and providing sufficient travel choices, with all new developments incorporating measures that would support a minimum 20% modal shift from the private car to more sustainable travel modes based upon existing local travel patterns.

10.94 The ***Hertfordshire Local Transport Plan*** (2018-2031) similarly promotes and supports a shift to sustainable modes of transport, including through the widespread adoption of travel plans. With regard specifically to airports, the LTP states that the county council, working in partnership with neighbouring local authorities and airport operators, will seek improvements to surface access to Luton Airport and promote and where possible facilitate a modal shift of both airport passengers and employees towards sustainable modes of transport.

10.95 The proposal is consistent with the Luton Local Transport Plan in relation to growth of London Luton Airport and generally consistent with all three LTPs with regard to seeking to achieve modal shift and in bringing forward a Travel Plan with modal shift targets. However, that compliance is considered to be subject to the integration of effective control and monitoring arrangements as set out in paragraphs 8.47-8.54.

Luton Borough Council Climate Action Plan Support January 2020

10.96 The recommendations within this Plan (the aim of which is to provide an evidence base which will inform the Council's Climate Action Plan, which has yet to be published) include:

- Emissions from flights are a significant source of emissions, and if aviation emissions continue to increase as currently modelled by national government, the airline sector will reduce the available carbon budget for Luton borough(assuming aircraft technology and efficiency remains at today's levels). As mentioned in the previous sections of this report, this finite budget is already diminishing and will require significant investment and action from all stakeholders to keep within.
- The majority of flights taken from Luton Airport are for leisure rather than business, suggesting that the council could look at engaging with leisure travel passengers to consider alternative low carbon options. The Citizen's Assembly could provide a good forum for engagement with the public on this topic to help highlight the impact of aviation.
- There is a significant contribution to emissions as a result of transport to and from the airport. This will be a key opportunity for Luton Borough Council to influence activities of Luton Airport passengers. It is anticipated that the opening of the Luton Direct Air Rail Transit (DART) will help to reduce the number of passengers arriving and leaving the airport by private vehicle, however a strong community engagement plan will be needed to support this to encourage more uptake of public transport by airport staff and passengers.
- 67% of Luton Airport passengers arrive at the airport in private vehicles. In order to reduce emissions from surface transport, it will be imperative that passengers have access to affordable, regular public transport options to shift away from current high levels of private vehicle use. Infrastructure capacity improvements to support the growth in electric vehicles will also be a key enabler for emissions reduction.
- Luton Airport reports that emissions from the airport's operations have decreased by 40% since 2015 as a result of efficiency measures put in place. There is scope to continue these reductions.
- Luton Airport participates in the Airport Carbon Accreditation Programme and has achieved the Mapping accreditation for measuring and reporting on their direct and indirect emissions. The next steps for the scheme are to provide evidence of carbon management and reduction measures, measure third party emissions and aim for carbon neutrality by offsetting the remaining direct and indirect emissions.

10.97 These recommendations serve to reinforce the importance of the proposed Carbon Reduction Plan. Until the process proposed in paragraphs 3.10-12 has taken place it is not possible to fully assess the proposal in terms of its compatibility with LBC's approach to GHG/Carbon/Climate Change.

Yours sincerely,

Stephen Boulton

Executive Member
Growth, Infrastructure & Planning

ANNEX 1

[to Hertfordshire County Council response (dated 11th June 2021) to planning application 21/00031/VARCON]

HERTFORDSHIRE COUNTY COUNCIL RESPONSE TO LONDON LUTON AIRPORT OPERATIONS LIMITED 19 MPPA CONSULTATION 2020

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11th November 2020

Dear Sir/Madam,

London Luton Airport 19 mppa Consultation 2020

1. Thank you for the opportunity to comment on the above.

2. You will of course be aware that this proposal comes forward within the context of other current live planning applications/growth proposals at the Airport (LLA):

   iii. London Luton Airport Operations Limited (LLAOL) planning application to vary condition 10 in an attempt to regularise breaches of the 2014 planning consent to grow throughput at LLA to 18 mppa.
   iv. London Luton Airport Limited's (LLAL) Development Consent Order proposal to grow LLA to 32 mppa.

3. The County Council's responses (attached Appendices 1 and 2 by way of context) to these proposals set out its broad position with regard to management of growth at LLA, aspects of which are relevant to the proposal the subject of this consultation.

Mismanagement of operations at LLA in relation to the current planning permission

4. The County Council's representations on i. and ii. above raise very serious concerns relating to the mis-management of the operations of LLA resulting in it failing to comply with its 2014 planning consent and the knock-on adverse implications this has had for communities. By way of example:

Condition 10

'1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a 'Partnership' approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The 'contract' between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.'

Development Consent Order

*'**The County Council's position***

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile, airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18mppa to 19mppa - again, because the Airport has mismanaged growth.

The consultation material states:

'Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.'

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council has an in-principle objection to growth of the Airport. This evidence does not currently exist.'

5. The reason a 19 mppa proposal is seen by LLAOL as being required to facilitate additional throughput in advance of 2027/8 (the timeframe within which LLA was supposed to reach 18 mppa had the terms of the consent been honoured) is that it has failed to manage its operations within the spirit of the 2014 planning consent. Fundamentally, therefore, the County Council has an in-principle objection to the current s73 planning application to vary Condition 10 and any further potential planning application relating to 19 mppa.

6. Whilst in no way attempting to downplay the impacts of Covid-19 on the aviation sector and on LLA, one positive that could be achieved would be to reset throughput growth of LLA and management of it to be consistent with the growth trajectory of the 2012 master plan and of the 2014 planning consent. That would be the right thing to do to honour the commitments made to stakeholders and communities.

7. However, the County Council fully understands that any 19 mppa planning application must be considered on its own merits by the relevant responsible planning body. It also appreciates that if it is LLA's intention to pursue such a planning application, then that should take place within the context of a master plan. The proposed preparation of such a plan is in the spirit of Government expectations and is welcomed.

8. The County Council has the following comments in relation to the published consultation material and process issues.

The Consultation Material - evidence and engagement

9. Attached (Appendix 3) are some detailed comments on the published consultation material. These are by no means exhaustive, but sit behind a number of the issues that follow. Two key messages are:

- the consultation material presents a position on a wide range of issues based on evidence prepared to date to inform the development of the proposal and presents a range of proposals for mitigation. However, very little of the evidence referred to is available for review and comment and as a consequence the opportunity to effectively engage with the consultation and shape the proposal has been somewhat limited.
- there has been no meaningful engagement (to the County Council's knowledge) with key informed stakeholders on the technical work underpinning the findings and conclusions and mitigation proposals.
- how transparency of evidence and informed engagement is to happen in advance of submission of any planning application.

An all-encompassing master plan

10. You will of course be aware of Government consultation and liaison expectations in relation to master plans, set out in its Aviation Policy Framework (APF):

> *'4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings……...'*

11. And also its position on availability of technical evidence:

> *'4.14 Research carried out by the DfT on the effectiveness of master plans has indicated that drafting for all audiences produces a tension between communicating future plans and providing a technical reference source. We therefore recommend that, where possible, the body of the document should be accessible to a lay person, and the technical detail clearly annexed.'*

12. You will also be aware that the APF states that:

> *'4.5 Airports, in partnership with local communities, should:*
> - *……*
> - *review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;*
> - *review the extent and detail of information that is published and set out clearly the methodology used. Airports should provide transparency and ensure that sufficient relevant information and opportunities for consultation reach a wide audience; and*
> - *combine their ASASs into their published master plans to ensure a joined-up approach and make it easier for people to access information about the 'airport's plans.'*
>
> *'Mitigation*
>
> *B.6 Proposals for mitigation measures across the major impact areas identified will be an important component of master plans; for example emission controls, noise abatement measures, sound insulation, surface access schemes and*

traffic management and measures to address landscape and biodiversity impacts.

B.7 It will be appropriate for master plans to address any proposals for compensation measures that may be required where the scale of impacts is such that they cannot adequately be mitigated. Such measures might include appropriate voluntary purchase schemes and assistance with relocation costs where the extent of property and land-take is clear.'

13. The consultation material seems to propose to amend or add to the contents of publications that already exist but without giving specific details of what these are to be – for example, see the 'Noise management/mitigation' section below. There also appears to be a new Transport Assessment, Travel Plan and Car Parking Management Plan which are not available at this stage and which appear to introduce new assumptions – for example (from the EIA Progress Report).

'8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

14. There also appear to be other assessment, such as an Air Quality Assessment and Greenhouse Gas Assessment. Moving forward, the availability of technical evidence and engagement on it with key stakeholders will be important. As far as is practicable, this should take place in advance of submission of any planning application and there is an opportunity to do so as part of the master plan preparation process. The master plan needs to be drafted to be accessible to the lay person, but contain evidence (appended) to substantiate its proposals, about which it needs to be much more transparent rather than making general statements of intent. It also needs to be clear on the implications for other publications such as the noise action plan and surface access strategy. Consideration should be given to whether there is an opportunity to draw the various plans/strategies together into a whole, with the master plan fronting up a range of subsidiary plans/strategies/evidence. This will take time – more time than the consultation material and processes currently appear to allow.

Status and process for approval of the master plan

15. The usual and logical course of events is for an airport to consult widely on a master plan, setting out its aspirations for the future and covering those matters advised by Government in the APF. In this way all stakeholders and communities have a common understanding of what lies ahead – likely scale of growth, infrastructure provision, environmental management and mitigation, noise insultation, community benefits, and so on. Amongst other matters that master plan would form the framework within which future planning applications for development and throughput growth are brought forward.

16. Indeed, this is exactly what happened in the last master plan/planning application cycle at LLA. Somewhat bizarrely, LLAOL and LLAL consulted separately on different master plans for different proposed levels of growth during 2012, following which a joint master plan was published in September 2012 that provided a framework

for growth of LLA to 18 mppa. Some months later, a planning application for that scale of growth was duly submitted.

17. The consultation material makes no reference to the in-force master plan at LLA and it is therefore assumed that it is to be completely superseded by the one published as part of this consultation, as suitably amended following feedback received.

18. The material contains no guidance on the process for and timing of approval/adoption/publication of the master plan, but states that a planning application is to be submitted by the end of 2020. No information is provided with regard to the process for 'approval' of the master plan and whether there is any intention to release and consult upon the evidence that underpins it.

19. You will of course be aware that Luton Local Plan Policy LLP6 requires any growth proposal at LLA to be consistent with a master plan submitted to and approved by Luton Borough Council (LBC). The material makes no reference to this policy and provides no clarity on whether the master plan is to be submitted to LBC for its approval and if so, whether that is to happen in advance of any planning application or perhaps even at the same time.

20. Clarity is required on the process for approval/publication of the master plan and how that relates to the timing of submission of any planning application. If a planning application is to be submitted before the end of 2020, it is difficult to see how:

- in the spirit of Government guidance in the APF, meaningful engagement can take place with stakeholders on the technical evidence that underpins the assumptions behind and findings of the master plan.
- the master plan can be approved by LBC.

21. Paragraphs 29-30 call for a delay in the submission of the proposed planning application. Such a delay would enable a master plan preparation process that is able to more effectively engage with communities and stakeholders, with a view to building a more productive and trusting relationship in response to recent experience.

Aviation 2050/Covid-19

22. The County Council's response to the consultation on the DCO highlights the scale of uncertainty that exists in relation to national aviation policy, which, amongst a wide range of other matters, will set out the Government's approach to aviation with regard to how it will contribute to meeting its net-zero carbon commitment.

> *'**National aviation policy and the Climate Change Act 2008***
>
> *The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO_2 in 2050 based on 2005 levels, excluding emissions from international aviation).*

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO_2 emissions targets:

1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.
2. whether now is the right time for the UK to set such a target.
3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C" and "towards global efforts to limit the increase to 1.5°C.
4. how reductions in line with your recommendations might be delivered in key sectors of the economy.
5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.
6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.

In December 2018 Government consulted on its Aviation Green Paper 'Aviation 2050 - The future of UK aviation', reaffirming Government's commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

'The UK's currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK's statutory framework, including when 'net-zero' emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK's long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.'

Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around their 2005 level (i.e. 37.5 $MtCO_2e$). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report ('Net Zero The UK's contribution to stopping global warming Committee on Climate Change' May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – 'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'. The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping.'

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019……..Reducing emissions from aviation will require a combination of international and domestic polices, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels,

with potential to reduce emissions further with lower levels of demand. The CCC advises that 'The Government should assess its airport capacity strategy in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing is aviation policy through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its 'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions' (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will 'continue to consider the implications of our 2050 net zero target…….'.

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment 'due to the timing of its introduction into UK law', but recognises that 'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.'

23. In addition, of course, that national strategy/policy will now also need to reflect upon the implications of Covid-19 and develop policy that reflects how Government sees the aviation industry moving forward in response to and within a continuing Covid-19 environment – the implications of which, at least in the short term, are potentially profound.

24. Clarity in the form of revised national aviation policy would be a more preferable environment within which this proposal (and indeed those at other airports) could be brought forward and assessed. The County Council has sought an update on the timetable for production of Aviation 2050, but this has yet to be forthcoming. The process for master plan preparation and application submission would benefit from being aligned with the publication of new Government policy.

'19 mppa traffic horizon will be achieved around 2024'

25. The consultation material contains a number of statements with regard to the anticipated timeframe for LLA to potentially reach a throughput of pre-Covid levels and onward to 19 mppa. For example:

> *'In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.'*
>
> *'In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").'*
>
> *'Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.'*

26. The consultation material provides little background intelligence about these *'industry expectations'* and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – *'upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe'*. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.

27. Similarly, Eurocontrol's latest five-year forecast offers three scenarios for recovery from Covid-19:

- a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.
- should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.
- a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.

28. Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.

Timing of the planning application

29. The consultation material states that the intention is to submit a planning application by the end of 2020. As discussed above, the County Council is of the view that the process for the preparation of the master plan should be given sufficient time to genuinely engage with communities and stakeholders, with a view to building a more productive and trusting relationship. To enable this to happen, the timeframe for submission of the planning application should be delayed. It would be advantageous for any such delay to be of sufficient length to allow Government to put in place its revised national aviation policy/strategy.

30. LLA's concerns in relation to it being prepared for renewed aviation growth (*'If we do not plan for growth now we will limit our ability to play our part in the UK's economic recovery…….'*) need not be compromised. LLA will be aware of the Government's 'planning guarantee' that *'no application should spend more than a year with decision-makers, including any appeal. In practice this means that planning applications should be decided in no more than 26 weeks, allowing a similar period for any appeal……..'*. There appears to more than enough time for a master plan to be prepared and approved, a planning application and decision made, along with completion of any necessary works if permitted, within the next 4 years, in the event the optimistic approach to Covid recovery proves to be founded. If LLA has project management information to demonstrate that this is not tenable, then it would be useful if this could be shared.

Community funding and relationship to compensation schemes and FIRST proposals of LLA as part of the DCO

31. The consultation material is not as clear as it might be in relation to community funding. Much of the information within the 'Community Benefits' section of the Background section of the Consultation Document (page 8) relates to funding provided by the airport owner LLAL (albeit the origins of this funding come from the operator).

32. No reference is made to the community funding requirements to which LLAOL is committed to as part of the 2014 18 mppa planning consent and the consultation material is not as clear as it should be in relation to any additional community funding that might be being offered as part of this proposal. For example, the Consultation Document states:

> *'**Findings of the Assessment***
>
> *The initial conclusions of the noise assessment are that whilst no significant effects would be predicted in either 2021 or 2028, additional properties would experience noise above the SOAEL as a result of the proposed increase in passenger numbers.*
>
> *To mitigate this effect, we are proposing the following operational measures:*
>
> *…….*
>
> *The following compensatory measures are also proposed:*
>
> *……..*

- *One off grants to local councils to provide community improvements.*

33. And the EIA Progress Report similarly states:

'7.5.3 Mitigation will also include compensatory measures as follows:

……

- *one-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the predicted future noise contours. Grants are to be used to provide community improvements.'*

34. Further information is required on the scale and nature of the proposed grant scheme and how it is to operate.

35. You will be aware of LLAL's Future LuToN Impact Reduction Scheme for the Three counties ("FIRST") contained within its DCO proposal. This would be applied to growth in excess of the currently permitted 18 mppa '*……We propose that FIRST will provide £1 in funding for every passenger over the current 18 mppa cap. This is substantially in excess of the existing community funding provided by LLAL (which in 2018/19 was approximately £0.53p per passenger). FIRST will run alongside LLAL's existing offering, which will remain unaffected by the introduction of FIRST.*'. The consultation material provides no information on the relationship between the community benefits proposed as part of the 19 mppa proposal (whatever they may be) and the commitment of LLAL through the DCO process to introduce FIRST for growth beyond 18 mppa.

Noise management/mitigation

36. The consultation material states that none of the identified increases in noise level would be considered significant, but acknowledges that there will be a number (unspecified) of additional dwellings experiencing noise over SOAEL which constitutes a likely significant adverse effect. The master plan refers to a range of existing measures that are in place to manage noise at LLA. No reference is made to the current live application to discharge a requirement of Condition 10 of Planning Permission No. 15/00950/VARCON that a noise reduction strategy be submitted for approval of LBC of a noise reduction strategy (to reduce the area of the noise contours by 2028 for daytime noise to 15.2 sq km for the area exposed to 57 dB(A) Leq16hr (0700-2300) and above for nighttime noise to 31.6 sq km for the area exposed to 48 dB(A) Leq8hr (2300-0700) and above.'). The County Council's response to a consultation on that application is appended (as Appendix 4). In summary the response advises:

'11. The County Council had been expecting that to enable the effective discharge of Condition 10 requirements, LLAOL would submit for approval a clear, tangible and deliverable action plan to achieve the required 2028 noise contour reductions. But this is not what has happened. The submitted 'Strategy' appears to amount to little more than a wish list of things that might or might not happen and that might or might not result in delivery. This is totally unacceptable. The County Council supports the findings and conclusions of the independent expert noise advice (dated 23rd January 2020) secured by LBC to inform its consideration of this application, which in summary finds:

'Bickerdike Allen (BAP) have submitted an undated report entitled Application No: 15/00950/VARCON(FUL), Discharge of Planning Condition 10 (Pt. 3), Noise Strategy (w.r.t. 2028). We understand that the document is intended to secure discharge of the condition on the premise that it contains sufficient detail of the strategy to be adopted by LLOAL to ensure that daytime and night-time noise contours will meet the reduced limits set for 2028.

We do not believe that the report achieves this aim as it contains insufficient detail of the strategy to be adopted. Instead it contains a number of general and imprecise statements of intent, many of which are already contained in other documents submitted by the airport or by BAP on their behalf.'

The report indicates that the principle reasons that noise levels, and therefore noise contour areas, will reduce to meet the 2028 limits are twofold:

- *The future fleet mix will contain a sufficiently large proportion of new generation, low noise aircraft;*
- *Some improvements are expected as a matter of course from the NATS FASI-S airspace changes that are expected to occur.*

The main issue with this approach is that neither of these are under the control of the airport, and it is therefore inconsistent to suggest they can form part of the airport's strategy.

Another problem arises from the reliance placed on the current Noise Action Plan (NAP) as containing adequate descriptions of the measures that the airport will adopt in implementing the required strategy. The generic nature of the wording used in the NAP, repeated in the BAP report, is not adequate to describe the elements of the strategy the airport is expected to pursue. Furthermore, there is a circularity in relying on the NAP in that one of the Operational Restrictions described in the NAP (3.5) is to develop a noise contour reduction strategy, the very same strategy that, as currently drafted, relies on the measures defined in the NAP.'

12. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. Some of the principles and commitments within Heathrow's Environmentally Managed Growth approach are very much the kinds of things the County Council had expected to see in the strategy the subject of this application - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence (Graphic 4.2 above), limiting the growth unless the environmental limits are met, and so on.

13. A strategy is required which sets out:

- *the range of measures/actions required to achieve contour reduction ('wish-list' items such as airspace modernisation can feature but cannot be relied upon until evidence is available – see 'strategy review' below.*

- *details exactly what measures/actions will be introduced and when and who is responsible for their introduction - with indicators/targets for these.*
- *how the indicators/targets are to be monitored and reported.*
- *a contour reduction trajectory – with a phased timetable that enables progress to be tracked and to trigger remediation measures as necessary.*
- *a commitment to transparency and community engagement.*
- *a scrutiny/enforcement/management framework that clearly sets out the mechanisms to be engaged should monitoring demonstrate failure against trajectory (triggered remediation measures).*
- *a clear commitment, similar to that within Heathrow's Environmentally Managed Growth, that contour reduction failure is not an option - 'The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed…….'.*
- *a commitment to strategy review (so that it can evolve and reflect changing circumstances – for example, if/when there is **evidence** in the future that airspace modernisation will have a positive impact on noise contour reduction.*

14. The strategy submitted to discharge Condition 10 does not achieve these requirements and should be refused or a substantively revised strategy prepared and submitted by the applicant in response to and addressing the above concerns.'

37. The consultation material refers to a 'Noise Assessment' that *'identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL'*. These are:

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- *increase the contribution to the Noise Insulation Fund*
- *The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and*
- *One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.*

6.2.15 In addition the following commitments will be made as part of the proposed variation to noise planning conditions

- *For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;*
- *No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);*
- *No "non-emergency" Diverted Flights will be accepted;*
- *New airline / aircraft slots at night not to exceed QC 0.5; and*
- *Differential charging will be implemented to incentivise the rapid modernisation of fleet.'*

[Draft Masterplan]

38. These measures appear to differ from/add to the contents of Condition 9 of the 2014 planning permission and the Noise Control Scheme the subject of that Condition. This raises the question as to whether a revised or rejuvenated Noise Control Scheme is required and as a consequence, whether planning permission should be sought to vary Condition 9.

39. Elsewhere in this response the County Council advises that a period of time is set aside to bring stakeholders and communities together in moving the master plan forward before any planning application is made. One of the key areas of focus for such a process would be in relation to noise management. As APF states:

> *'4.5 Airports, in partnership with local communities, should:*
> *……*
> *review their consultative timetables, for example for master plans and Noise Action Plans, with a view to aligning these where possible and reducing the consultative burden on all concerned;*
> *……..'*

40. Whilst integration of the various noise plans/strategies may be difficult, the master plan process could provide a mechanism through which to provide greater clarity in terms of determining tangible actions, processes, responsibilities and penalties (see also Environmentally Managed Growth/Green Managed Growth) in relation to noise management at LLA – bringing together all those that already exist, those proposed as part of this process (along with sharing of the 'Noise Assessment') and how these amount to delivery of the existing and proposed requirements – see 'An all-encompassing master plan' above. Those commitments would then be transferred into the terms of any planning consent/legal agreement, should consent be granted.

Environmentally/Green Managed Growth

41. Paragraphs 4 and 5 above and related attachments raise fundamental concerns in relation to the ability of LLA to manage its operations in accordance with restrictions placed on its 2014 planning consent. The extract within paragraph 36 refers to the Environmentally Managed Growth (EMG) proposals of Heathrow Airport Ltd in relation to its 3rd runway proposal – the basic purpose of which is to have the effect of limiting the growth of the airport unless agreed Environmental Limits are observed. A similar approach is being taken by LLAL [Green Managed Growth (GMG)] in developing its DCO proposal. Given the historic failure of LLA to manage its operations to respect environmental limits, the County Council is of the view that it should explore with stakeholders and communities the extent to which it is possible to put in place an E/GMG approach for this 19 mmpa proposal – to ensure that key 'limits' (exploring those in relation to noise, surface access modal splits, air quality, GHG emissions) are set and respected. This could be articulated in the master plan and set in place upon the grant of planning permission, were this to be forthcoming.

Summary

42. In summary, the County Council's position is as follows:

i. The County Council has an in-principle objection to planning applications whose 'need' is generated by mismanagement of the Airport with regard to the expectations of the 2014 18 mppa planning consent. The impact Covid-19 has had on the aviation sector and on LLA presents an opportunity to recalibrate management and growth to that set out in the 2012 masterplan and the 2014 planning consent.

ii. There should be further engagement on the preparation of the master plan, including sharing of the evidence underpinning the findings and mitigation proposals within the draft in advance of finalisation/publication/approval.

iii. The finalised/published/approved master plan needs to contain evidence (along with technical appendices) to substantiate the findings and conclusions reached and to justify proposed mitigations.

iv. The opportunity should be taken to take a fresh approach to the master plan preparation – with a view to putting in place an all-encompassing framework that draws the various strategies together into a whole and fronting up a range of subsidiary plans/strategies/evidence.

v. Clarity is required with regard to the process for finalisation/publication/approval of the master plan

vi. The master plan preparation and 'approval' process should be completed in advance of the submission of any planning application.

vii. Given Luton Local Plan policy, the master plan should be approved by Luton Borough Council in advance of the submission of any planning application.

viii. Clarity is required on community funding proposals and the relationship these have with the FIRST scheme being brought forward through the DCO process.

ix. Further information and justification are required in relation to the assumptions underpinning the contention that the Airport will recover to 2019 levels by 2023 and proposed 19 mppa by 2024.

x. Even if the 2024 19 mppa timeline is considered to be realistic there does not appear to be any immediate need for a planning application to be submitted by the end of 2020. The proposed timeframe for submission of a planning application should be reviewed with a view to it being substantively delayed facilitating meaningful engagement upon and approval of the master plan.

xi. Consideration should be given to using the master plan process to provide greater clarity in terms of determining tangible actions, processes, responsibilities and penalties in relation to noise management at LLA. Commitments would then be transferred into the

terms of any planning consent/legal agreement, should consent be granted.

xii. LLAOL should explore with stakeholders and communities the extent to which it is possible to set up an Environmental Managed Growth approach for the 19 mppa proposal.

Yours sincerely,

Derrick Ashley

Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 1

Hertfordshire County Council response to planning application to vary condition 10 of planning permission 15/00950/VARCON

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18th July 2019

Dear Ms Barnell,

Application to vary condition 10 of planning permission 15/00950/VARCON for a temporary period (to end of 2024) to enable the area enclosed by the 57 dB(A) daytime noise contour to increase from 19.4 sq km to 23.4 sq km and the area enclosed by the 48dB(A) night time contour to increase from 37.2 sq km to 44.1 sq km. 19/00428/EIA

Thank you for the opportunity to comment on the above.

Whilst this response is made on behalf of Hertfordshire County Council, it has the broad support of a number of Hertfordshire borough and district councils who will be responding to you separately.

1. Background Context

1.1 The original planning application was approved on the basis that growth in throughput would be accompanied by a range of safeguards to manage the noise impacts arising from the proposal and protect communities. This is clear from the following extracts from the report to Committee dated 20th December 2013 (text highlighted ***thus*** in this section and throughout represents emphasis added):

'95. ……... The timescales for the introduction of new aircraft (fleet modernisation) is to be secured both through condition and S106 Agreement attached to any permission.

110. An independent assessment of the ES in respect of the Noise implications of the development was carried out for LBC by Cole Jarman Ltd, Noise Consultants, and in so far as airborne aircraft noise is concerned there are no significant reservations about the methodology employed in the ES to quantify the expected noise levels. In numerical terms it was considered that the contours and footprints presented in the ES reasonably reflect the expected noise impact. However, in interpreting the findings it was considered that the following factors needed to be considered:
……...

- *Controlling the noise impact to the levels indicated for 2028 requires that a substantial part of the airline fleet is changed to modern, low noise variants of types currently operating.* ***The primary mechanism put forward by the applicant for ensuring that this will happen is by way of a condition limiting the extent of key daytime and night time aggregated noise contours****.*

- *Current Government Policy in respect of aircraft noise is contained in the APF published in March 2013. This states that „Our overall objective on noise is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise." The predicted future noise impact with the development in place would be greater than that assessed as prevailing at the present time. One consequence of this finding is that the number of people significantly affected by aircraft noise might be neither limited nor reduced and as such this would not meet the objectives set out in the APF.* ***To address this the applicant has made a commitment that the Airport will seek to continually increase the percentage of flights undertaken by modernised low noise variants of relevant aircraft types and it is proposed to secure this commitment by way of a legal agreement (S106). This measure would facilitate a reduction in the overall noise levels and minimise the impact on local residents and therefore meet the objectives of the APF****.*

- *Luton Local Plan Policy LLA1 states……By applying this tighter interpretation this would require lower noise levels in 2028 than are predicted for the partial modernisation scenario. Although this alternative interpretation is not accepted by the applicant, achieving the full modernisation scenario would ensure compliance with this alternative interpretation* ***and this would be likely to be secured by a commitment (in the S106 Agreement) by the Airport that they will continually increase the percentage of fights undertaken by modernised low noise variants of relevant aircraft types****.*

111. Although the assessment of the ES in terms of noise did initially identify areas of concern relating to the interpretation of policy LLA1, predicted noise levels, night time noise issues and necessary mitigation measures, ***further negotiation with the applicant has resulted in the applicant accepting additional controls and mitigation measures by way of condition and or inclusion within the S106 Agreement****.*

112. ***The Local Planning Authority, in consultation with its noise consultant Cole Jarman Ltd, considers that there is a remedy to ensure that the numbers of people affected by aircraft noise does not increase****. The two tables below show a comparison for daytime noise (Table 1) and night time noise (Table 2) for a number of*

years – including the predictive and actual noise levels in 1999. The 2028 predicted figures are taken form the ES

113. It can be seen that the predicted 1999 taken from the 1997 ES levels were higher than actual 1999 levels (0.2 square kilometres for daytime noise and 22.8 square kilometres for night time noise). Further it can also be seen that the current operation of the Airport is well below these levels. The requirement for Condition 12 for night time noise to be limited to an area of 37.2 sq.km for the 48-72 Leq dBA 8 hour (23.00 – 07.00) contour is ambitious but will ensure that lower noise levels are achieved in 2028 than currently predicted by LLAOL. ***<u>However with strict controls on growth and measures such as fleet modernisation being maximised, this lower area is considered to be practicable and achievable. It also ensures additional benefits in terms of residential amenity in accordance with policy</u>****.*

114. Even though some weight should be given to Local Plan Policy LLA1 as it is site specific and has been based on evidence the subject of previous planning decisions in relation to development of the Airport, it is considered that greater weight should be given to current Government policy, which is seeking where possible to reduce the number of people significantly affected by aircraft noise in the UK. It is therefore considered that the condition restricting the 57 dB daytime contour and the 48 dB night time contour could reflect the actual 1999 levels and thereby ensure that the area affected by aircraft noise would be any worse than at that time.

115. The applicant has raised concerns regarding the independent Noise assessment of the ES by Cole Jarman Ltd in terms of some of the conclusions reached in respect of issues relating to night time noise and the level of mitigation proposed. The applicant was of the view that this had been fully assessed within the ES. ***<u>However the purpose of LBC carrying out an independent assessment was to examine the proposal and proposed mitigation in terms of seeking to secure on balance the best practicable outcomes for the surrounding community while enabling the development to be implemented in accordance with government and local policy.</u>*** *Clearly within this process there will be differences of opinion. The proposed modifications to the Noise Insulation Scheme are not at a scale that could be considered unreasonable given the potential long term impact of the development as proposed.*

116. ***<u>The conditions and S106 requirements as proposed therefore reflect both the aspirations of the APF and the NPPF</u>****. The comments received by the applicants are contained in full within Appendix (8) of the Report.*

205. As set out within the report, the proposed expansion of the Airport will have an impact in terms of additional noise from aircraft movements and traffic generation. ***<u>However, the proposal does afford the opportunity to put in place a range of controls through the use of a mix of planning conditions and obligations contained within a S106 Agreement, in respect of issues such as night time noise, noise insulation, limitation on the passenger numbers and type of aircraft etc. Current controls are limited in their effectiveness and/or do not meet the requirements or objectives of current national aviation and planning policy.</u>****'*

1.2 Similarly, the Committee report relating to the Variation of condition 11 (i) – Noise Violation Limits states:

'69. Commenting on condition 11(i), Cole Jarman Ltd note that the noise violation limits graduated according to the QC classification seek to ensure that all aircraft, and not just the noisiest, are operated in a manner that ensures the noise levels generated are commensurate with what is to be expected. However, they conclude from the analysis of the data that "setting noise violation limits based on the departure QC rating of an individual aircraft is unreliable. Transgression of a noise violation limit set in this way cannot be absolutely determined as evidence that any given aircraft is being operated in an unacceptable manner." Consequently they confirm that the data indicates an alternative means of setting noise violation limits and controlling average noise levels generated in the community around the airport is required.

70. Cole Jarman Ltd state that "if condition 11(i) is to be modified to include absolute noise limits unrelated to the QC rating of aircraft, then it is vital that the noise envelope restrictions set out in condition 12 are applied using the full knowledge of the actual noise levels generated by aircraft operating at Luton Airport." Condition 12 requires the area encapsulated by the 48dBL Aeq,8h contour to be reduced by the year 2028 from 37.2km2 to 31.6km2 for the night period and for the daytime the 57dB L Aeq,16h contour to be reduced from 19.4km2 to 15.2km2.

79. With regard to LADACAN's comments concerning the noise violation limits being a blunt tool that would not encourage a change to quieter aircraft, it should be noted that condition 11 is not the primary mechanism for constraining and reducing the overall levels of aircraft noise in the community. ***Condition 12 is the main tool setting limits on the areas enclosed in the daytime (57dB L Aeq,16h) and night time (48dB L Aeq,16h) and also requiring the Airport to develop and implement a strategy for ensuring that the areas within these contours reduces by 22% and 15% respectively by 2028. Such a reduction in the areas means there will be a reduction in noise generated by aircraft overflying all locations in the community around the Airport.*** *This also addresses one of the concerns raised by the Chilterns Countryside Board.'*

1.3 The planning conditions/s106 agreements attached to the 2014 and 2016 planning consents (subsequently referred to as 'the original approval, consent or permission) contain a suite of measures to restrict the noise impact of the development to safeguard potentially impacted communities and to make the development acceptable. The importance of and commitment to noise contours is clear from the decision-making process and these were duly incorporated into the planning consent.

1.4 The planning application summarises why the Airport has failed to comply with these key restrictions and why it is seeking them to be relaxed, as follows:

'In summary, the number of passengers has grown more quickly than that forecast at the time of the 2012 Environmental Statement, and the introduction of new generation aircraft has not kept pace. These factors, combined with unforeseen delays arising from European industrial issues and severe weather events, have resulted in a situation whereby the airport cannot operate to its full permitted limit whilst being confident that the restrictions of Condition 10 can be met.'

1.5 European industrial issues and severe weather events may well be outside the control of the Airport, but this statement seems to suggest that the Airport has no control over the growth in the number of passengers or the introduction of new

generation aircraft. This is of course nonsense. The Airport has actively pursued throughput growth towards its 18 mppa planning restriction in the full knowledge this:

- was proceeding at a pace far in excess of that anticipated when the planning application was submitted;
- was not being accompanied by fleet modernisation assumptions set out within the planning application which were integral to the decision and planning conditions/agreement imposed;
- would inevitably result in a breach of the noise restrictions imposed by the planning consent;
- would inevitably result in adverse noise consequences on local communities.

1.6 The adverse implications arising from this failure are of course not confined to those communities within the noise contour areas subject to Condition 10 and its breach and the proposed new revised contours, but much further afield. A range of communities further afield in Hertfordshire have been subject to a significant and unacceptable worsening of their noise environment and quality of life. The significance of these impacts has been recognised by the Airport in pursuing Airspace Change processes to seek to address them.

1.7 The County Council is of the view that the behaviour of the Airport has not been within the spirit of the planning application originally submitted and the planning consent granted, represents an abrogation of its environmental responsibilities and is disrespectful of communities. The Airport should have proactively managed its operations to respect the regulatory regime imposed upon it. In failing to do so it has acted irresponsibly.

1.8 Within its emerging aviation policy (Aviation 2050), Government is clear that it supports aviation growth, but on the condition that it is sustainable, environmental impacts are managed better and that communities are protected from the adverse impacts of growth and should directly benefit from it. Key to delivery of Government expectations is a ‘Partnership’ approach involving all partners, including communities. The Government sees the setting of noise caps as part of planning approvals as a means to balance noise and growth and to provide future certainty over noise levels to communities. The ‘contract’ between the Partnership in this case (the Airport operator, the local planning authority, highways authorities, communities and others) entered into for growth of the Airport to 18 mppa and the setting of noise caps to provide certainty for communities is in large part the terms of the planning permission. In failing to manage its operations to comply with that consent and committing to comply with it in the future, the Airport has betrayed the other partners, particularly those communities currently suffering from the adverse consequences of the breaches of planning control. The County Council is of the view that the actions of the Airport have fallen considerably short of Government expectations.

2. The Planning Application - The Planning Statement

2.1 The County Council is of the view that the Planning Statement is not fit-for-purpose. It is surprisingly poor in its assessment of the compliance or otherwise of the proposal with planning policy. It recites planning policy in Chapter 4 (but is occasionally selective in extracting relevant text from key local and national policies, is in parts wrong and in other parts misleading); Chapter 5 assesses the environmental and (briefly) the economic implications of the proposal but nowhere does it provide an assessment of the scheme against relevant planning policy. Only in Section 7 ("Planning Balance") does the Statement accept that the application may result in *'potential non-compliance'* with individual LLP6 criteria, without stating which ones or the degree of non-compliance. It argues that one should simply consider the *'wider emphasis of the plan as whole'* on economic development and the contribution of the Airport and such that there could be non-compliance, this must be *'balanced with a considered understanding of the economic benefits that the proposal would accommodate.'* Yet the Local Planning Authority (LPA) is provided with no information on which to base a *'considered understanding'*.

2.2 The following analysis of the Planning Statement is by way of example and does not represent an exhaustive critique. Your authority will, of course, identify for itself all relevant policy considerations and interpret and apply these accordingly, but the County Council would urge caution in relying in any substantive way on the Planning Statement accompanying the application.

3. Requirement to vary Condition 10

3.1 Rationale for variation

2.3 *'Requirement to vary Condition 10'* – it is not a 'Requirement'. The operator could simply comply with the planning permission. The terminology used in the planning statement that the applicant 'requires' the condition to be varied is inappropriate and seems to suggest that the breach is inevitable and that it is only by approving this variation that the Airport can continue to operate successfully. This seems to suggest that reverting to a different form of operation to comply with the existing condition is not possible and that the LPA have no choice but to approve the application. This cannot be the correct approach to considering this proposal. This is a 'request' to vary condition 10.

2.4 Paragraph 4 – details of the *'incentives to introduce the next generation aircraft'* should be provided by the applicant.

2.5 Paragraphs 5 – 8 – these paragraphs summarise the three main reasons why the night-time noise contours have been breached in recent years. What this section does not do is:

- assuming the Airport must have recognised that its operations were heading towards a breach of planning control, explain why measures were not introduced earlier to prevent breach.
- explain the rationale for proposals to amend the day-time noise contour of Condition 10 in circumstances where there has been no breach of restrictions and where no future breach is predicted.

2.6 This intelligence and explanation should be provided by the applicant.

3.2 Mitigation measures

2.7 Paragraph 1 states *'……Following the breach in 2017, LLAOL took immediate action to reduce the number of flights……The degree of seriousness which LLAOL take any breach of their obligations is demonstrated by the wide ranging restrictions implemented.'*

2.8 The applicant should be required to explain why measures were not introduced in advance of the breach in an attempt to ensure compliance with planning control and protect the amenity of communities.

2.9 The County Council would wish to be assured that the planning authority is content that the mitigation measures currently in use represent a robust response to breaches and that other potential measures (all other measures, including restricting flight numbers) have been explored to regularise operations at the Airport and enable compliance with the planning permission.

2.10 The Noise Control Scheme and Noise Management Plan required by the planning consent(s) specify a wide range of mechanisms necessary to restrict and regulate operations/noise at the Airport. These include arrangements for monitoring and reporting. Clearly, one of the main reasons for the monitoring and reporting process is for the operator and the LPA to be satisfied that the operations at the Airport were being managed in a manner to comply with the restrictions of the planning permission. It will surely have been very clear from this intelligence that the Airport was growing far more rapidly and without or in advance of fleet modernisation envisaged when consented.

2.11 Both the Airport and Luton Borough Council (LBC) must have been well aware that operations at the Airport were heading towards a potential breach of planning control. They were also very well aware that the operation of the Airport was creating very real and substantial adverse noise conditions for communities. Despite this, this section of the statement seems to take the breach as its starting point for the rationale for the proposed variation. To present a complete picture, the applicant should be required to provide:

- intelligence on the data provided within annual monitoring reports in relation to passenger growth and fleet modernisation.
- a summary of those matters within the approved Noise Control Scheme(s) and Noise Management Plan(s) of direct relevance to this planning application.
- a summary of the discussions/negotiations that have taken place between the applicant and the LPA in advance of the breach and the outcome of those discussions/negotiations.
- an explanation as to why the 'Mitigation measures' outlined in section 3.2 of the Planning Statement were not introduced in advance of the breach, and any other potential mitigations that may have been appropriate.
- the measures put in place in response to the letter from LBC to the Airport dated 16th February 2018 (and in response to any other correspondence from LBC).
- any further ongoing measures being explored/negotiated with LBC to restrict the scale of the on-going breach.

3.3 Proposed variation wording

2.12 Paragraph 1 states that *'LLAOL is committed to operating within the requirements of its relevant planning permissions and takes any actual or potential breach seriously'*. Clearly LLAOL is not committed to operating within its planning restrictions as it has not managed its operations in a manner to achieve this.

2.13 *'The breaches which did occur in 2017 and 2018 were the result of a number of factors which were outside the immediate control of the airport'*. This is not true. The most effective way in which the breaches could have been prevented would have been for the Airport to manage its operations in a manner which restricted the number of flights to those that would enable it to operate within its agreed environmental limits.

2.14 Paragraph 2 states that *'Whilst LLAOL now have the mitigation measures in place it does recognise that such measures restrict the operational movements of airlines and would represent a hiatus in the continued growth of the airport with the consequence that the airport would become potentially less attractive to airlines in the future'*. This seems to suggest that the intention, were permission to be granted for the Condition 10 variation, the Airport would simply abandon these mitigation measures with the consequential impact this would have on communities.

2.15 Paragraph 3 raises the proposal to also vary the day time noise contour. None of the preceding text provides any specific rationale or evidence to indicate why the existing day time restrictions should not remain in place. The applicant should be required to provide evidence and justification.

4. Planning Policy

4.1 National planning and aviation policy

National Planning Policy Framework (NPPF)

Building a strong, competitive economy

2.16 Reference is made to Paragraph 81. This is irrelevant to this planning application as it relates to the guidance on what planning policies should do. This process is not a planning policy formulation process.

2.17 Reference is made to paragraph 82 that decisions should recognise and address the specific location requirements of different sectors. This is irrelevant. There are no locational requirements for this planning application – the Airport is already in place.

Promoting sustainable transport

2.18 Reference is made to Paragraph 104e relating to large scale transport facilities. This is irrelevant to this planning application as it relates to the guidance on what planning policies should do. This is not a planning policy formulation process.

2.19 Reference is made to Paragraph 104f to suggest that the NPPF has strengthened policy in respect of aviation. This is misleading. 104f relates to general aviation, not large scale nationally significant airports like London Luton. It actually states:

'recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy'

2.20 Paragraph 104 is also irrelevant to this planning application as it relates to the guidance on what planning policies should do. This process is not a planning policy formulation process.

Conserving and enhancing the natural environment

2.21 The statement fails to recognise NPPF paragraph 170 which states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

'……..
e) ***preventing new and existing development from contributing to****, being put at unacceptable risk from, or being adversely affected by,* ***unacceptable levels of*** *soil, air, water or* ***noise pollution*** *or land instability.* ***Development should, wherever possible, help to improve local environmental conditions*** *such as air and water quality, taking into account relevant information such as river basin management plans; and……'*

NPPF conclusion

2.22 The application states *'The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognises that for some types of development there is a need to take into account the specific local opportunities that may present themselves'*. The NPPF does not state this - the presumption in favour of sustainable development:

- does not itself refer to the need to balance social, economic and environmental objectives. The objectives referred to are the objectives of the planning system to achieve sustainable development. The 'balance' between these objectives is within the supporting text and relates to achieving sustainable development more generally through the planning system.
- does not in any way recognise that some types of development need to take into account specific local opportunities that may present themselves.

2.23 Reference is made to *'a recognition in the case of aviation that needs may not be fixed but may change over time'*. The NPPF does no such thing – where it does comment on *'the need to adapt and change over time'* is in relation to general aviation only.

2.24 *'Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from noise recognising that it could potentially give rise to significant adverse impacts upon health'*. None of this features within the NPPF. The NPPF makes no reference to aviation development (only general aviation – see above), being *'environmentally appropriate'* (whatever that is supposed to mean), to *'undertake measures to mitigate'* or that it *'could potentially give rise to significant adverse impacts upon health'*.

National Planning Practice Guidance

2.25 Paragraph 2 states that *'With specific regard to aviation and airport planning, the NPPG does not introduce any additional guidance beyond that which is already captured by the NPPF'*. The NPPF does not provide any guidance specific to aviation and airport planning, other than general aviation.

2.26 No reference is made to the following in paragraph 005 Reference ID: 30-005-20140306:

'At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.'

2.27 No reference is made to the following within paragraph 006 Reference ID: 30-006-20141224

'The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.
These factors include:

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;……..'*

Noise Policy Statement for England (NPSE)

2.28 The Planning Statement fails to recognise:

'2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.'

2.29 The Planning Statement does not highlight the aims of the NPSE:

*'**The first aim of the Noise Policy Statement for England***

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

Aviation Policy Framework (APF)

2.30 The second paragraph in this section repeats from paragraph 1.24 the following:

'1.24 The Government wants to see the best use of existing airport capacity.'

2.31 Strangely this paragraph then fails to go on to repeat the text immediately following this sentence which is very relevant context for this planning application:

'1.24 The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England. ***<u>However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.'</u>***

2.32 The APF contains a whole chapter on 'Noise and other local environmental impacts' and yet no reference of this is made within the planning statement. Some of the most relevant highlights of Government policy include:

'3.1 ***Whilst the aviation industry brings significant benefits to the UK economy, there are costs associated with its local environmental impacts which are borne by those living around airports, some of whom may not use the airport or directly benefit from its operations.*** *This chapter considers noise, air quality and other local environmental impacts.*

Noise

3.2 The Government recognises that noise is the primary concern of local communities near airports. The extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population and the quality of its relations and communications with its local communities. We are aware that many airports already make considerable efforts to engage their local communities and that the relationship is well managed.

3.3 ***We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.***

3.7 The Government fully recognises the ICAO Assembly 'balanced approach' principle to aircraft noise management. The 'balanced approach' consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- *reduction at source (quieter aircraft);*
- *land-use planning and management;*
- *noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts); and*
- *operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times).*

Policy objective

3.12 ***The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry****.*

3.13 This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

3.14 Although there is some evidence that people's sensitivity to aircraft noise appears to have increased in recent years, there are still large uncertainties around the precise change in relationship between annoyance and the exposure to aircraft noise. ***There is evidence that there are people who consider themselves annoyed by aircraft noise who live some distance from an airport in locations where***

aircraft are at relatively high altitudes. *Conversely, some people living closer to an airport seem to be tolerant of such noise.*

3.15 To provide historic continuity, the Government will continue to ensure that noise exposure maps are produced for the noise-designated airports on an annual basis providing results down to a level of 57dB LAeq 16 hour. To improve monitoring of the specific impact of night noise, we will also ensure that separate night noise contours for the eight-hour night period (11pm–7am) are produced for the designated airports.

3.17 ***We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.***

3.19 Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. ***However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities,*** *developing these measures in consultation with their consultative committee and local communities.* ***The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures***.

Measures to reduce and mitigate noise – the role of industry

3.24 ***The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.***

3.25 As a general principle, ***the Government expects that at the local level, individual airports*** *working with the appropriate air traffic service providers* ***should give particular weight to the management and mitigation of noise,*** *as opposed to other environmental impacts, in the immediate vicinity of airports, where this does not conflict with the Government's obligations to meet mandatory EU air quality targets. Any negative impacts that this might have on CO_2 emissions should be tackled as part of the UK's overall strategy to reduce aviation emissions, such as the EU Emissions Trading System (ETS). Further guidance on this principle will be published when the Department for Transport updates its guidance to the Civil Aviation Authority (CAA) on environmental objectives relating to the exercise of its air navigation functions (see Chapter 5).*

3.27 ***As part of the range of options available for reducing noise, airports should consider using differential landing charges to incentivise quieter aircraft.***

The Government has asked the CAA to investigate the use of these charges and the CAA will be publishing its findings later this year.

3.28 ***The Government expects airports to make particular efforts to mitigate noise where changes are planned which will adversely impact the noise environment.*** *This would be particularly relevant in the case of proposals for new airport capacity, changes to operational procedures or where an increase in movements is expected which will have a noticeable impact on local communities. In these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.*

Night noise

3.34 ***The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations.*** *However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.*

3.35 ***In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available.*** *We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.*

Noise insulation and compensation

3.36 The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving.

3.37 ***The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.***

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 ***Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial***

assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

3.40 Any potential proposals for new nationally significant airport development projects following any Government decision on future recommendation(s) from the Airports Commission would need to consider tailored compensation schemes where appropriate, which would be subject to separate consultation.

3.41 Airports may wish to use alternative criteria or have additional schemes based on night noise where night flights are an issue. Airport consultative committees should be involved in reviewing schemes and invited to give views on the criteria to be used.

Planning policies

5.6 In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application.'

Aviation 2050: The Future of UK Aviation

2.33 Paragraph 3 summarises the content of part of paragraph 1.21 as follows *'The need for further aviation capacity is highlighted and the Government is supportive of a new runway at London Heathrow Airport as well as other airports throughout the UK making best use of their existing runways'*. Unfortunately the statement fails to recognise what paragraph 1.21 goes on to say in relation to best use of existing runways. Paragraph 1.21 states:

'1.21 This is why the government is supportive of the development of a third runway at Heathrow Airport…… It is also supportive of airports throughout the UK making best use of their existing runways, ***subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts****.*

2.34 Paragraph 4 at least recognises that there is a 'Managing noise' section within Aviation 2050, but its analysis amounts to simply stating that the section *'notes that the Government is looking into creating new enforcement powers for Independent Commission on Civil Aviation Noise or Civil Aviation Authority if other measures prove insufficient to drive the outcome it wants'*. This reference is of virtually no relevance to this planning application in terms of Government policy direction. Some much more relevant policy within the 'Managing noise' section of the Aviation 2050 and elsewhere within it includes:

'Environmental impacts

1.26 ***Disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.*** *There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater*

extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is supporting the industry to deliver airspace modernisation and has also established a new Independent Commission on Civil Aviation Noise (ICCAN), but efforts to reduce and manage noise impacts must continue.

What this means for Aviation 2050
1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. ***Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.***

1.34 The eastward shift in aviation markets and the growth in new technologies mean that aviation could look very different to how it does today, both globally and domestically. To remain competitive on the global stage, and to safeguard its role as one of the leaders in both aviation and aerospace, the UK must be well positioned to take advantage of these new opportunities, while managing the potential economic, political and environmental headwinds along the way.

1.35 This is the motivation behind a new Aviation Strategy which will:
……..

- *ensure that aviation can grow sustainably – moving beyond an artificial 'choice' between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts*
- ***support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country*

……..

Ensure aviation can grow sustainably

3.3 ***Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions.*** *There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required.* ***Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.***

A partnership for sustainable growth

3.5 The government's forecasts show that demand for aviation will continue to grow in the period to 2050. The government intends to discuss its modelling approach with stakeholders in the first half of 2019, which will inform future decisions on whether there is a case for additional runways.

3.6 The government accepted the independent Airports Commission's conclusion that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway and supports a new Northwest runway at Heathrow Airport, through the designation of the Airports National Policy Statement (NPS). This sets out the requirements that an applicant will need to meet in order for development consent to be granted. ***The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.***

Managing noise
The impact of aviation noise

3.102 ***The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.***
……

3.105 ***However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19).*** *The CAA's report also shows that the number of people affected will be higher as a result of population increases.*

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. ……

3.112 ***The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.*** *The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.*

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is "to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development."

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. ***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.***

3.115 The proposed new measures are:

- ***setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017***
- ***developing a new national indicator to track the long term performance of the sector in reducing noise.*** *This could be defined either as a noise quota or a total contour area based on the largest airports*
- ***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. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available*
- ***requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.*** *This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels.* ***The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps.*** *The noise action planning process could potentially be developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA*

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***

Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

Airports National Policy Statement (ANPS)

2.35 No reference is made to relevant text within the ANPS. For example:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. ***Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.****'*

Noise

Introduction

5.44 ***The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport,*** *although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.*

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management

and control of noise, within the context of Government policy on sustainable development:

- ***Avoid significant adverse impacts on health and quality of life from noise;***
- ***Mitigate and minimise adverse impacts on health and quality of life from noise; and***
- ***Where possible, contribute to improvements to health and quality of life.***

Air Navigation Guidance 2017 (ANG)

2.36 The Planning Statement references the ANG objective to *'ensure that aviation can continue to make its important contribution to the UK economy and at the same time seek to improve the sustainable development and efficiency of our airspace.'*

2.37 What the Planning Statement fails to recognise is that one of the other three key objectives of ANG is to:

'• emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.'

2.38 The Planning Statement fails to reference other relevant aspects of ANG. For example:

Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government's three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to ***interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour****. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise.* ***It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis.*** *As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL.* ***For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.***

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. ***Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise.*** *The CAA's overflights metric is a means of portraying those locations where residents will experience being overflown. These*

supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The ***government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.****'*

Beyond the Horizon The Future of UK Aviation – Making best use of existing runways June 2018

2.39 No reference is made within the Planning Statement to Government policy contained within 'Beyond the Horizon The Future of UK Aviation – Making best use of existing runways', which contains some very relevant policy context for this planning application. For example:

'1.5 ***The Aviation Strategy call for evidence set out that government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East, subject to environmental issues being addressed.*** *The position is different for Heathrow, where the government's proposed policy on expansion is set out in the proposed Airports NPS.*

Call for evidence response summary
1.6 The Aviation Strategy call for evidence document asked specifically for views on the government's proposal to support airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed.

…….
1.8 The main issues raised included the need for environmental issues such as noise, air quality, and carbon to be fully addressed as part of any airport proposal; the need for improved surface access and airspace modernisation to handle the increased road / rail and air traffic; and clarification on the planning process through which airport expansion decisions will be made.

Role of local planning

1.9 Most of the concerns raised can be addressed through our existing policies as set out in the 2013 Aviation Policy Framework, or through more recent policy updates

such as the new UK Airspace Policy or National Air Quality Plan. ***For the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes. It is right that decisions on the elements which impact local individuals such as noise and air quality should be considered through the appropriate planning process*** *and CAA airspace change process.*

1.10 Further, local authorities have a duty to consult before granting any permission, approval, or consent. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their local environment and have their say on airport applications.

Local environmental impacts

1.22 ***The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. 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.***

1.23 For the majority of local environmental concerns, the government expects these to be taken into account as part of existing local planning application processes.

1.24 ***As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.***

Policy statement

1.25 As a result of the consultation and further analysis to ensure future carbon emissions can be managed, ***government believes there is a case for airports making best of their existing runways across the whole of the UK…….***

1.26 Airports that wish to increase either the passenger or air traffic movement caps to allow them to make best use of their existing runways will need to submit applications to the relevant planning authority. We expect that applications to increase existing planning caps by fewer than 10 million passengers per annum (mppa) can be taken forward through local planning authorities under the Town and Country Planning Act 1990. As part of any planning application ***airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy****. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.*

1.29 ***Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the***

development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.*'*

A Green Future: Our 25 Year Plan to Improve the Environment November 2017 HMG

2.40 No reference is made to the Government's 25 Year Plan, which states:

'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. ***We must ensure that noise and light pollution are managed effectively.****'*

4.2 National planning and aviation policy conclusions

2.41 The first paragraph states that *'The NPPF does however recognise that in some cases, the benefits to one of the three objectives of sustainable development may give rise to consequential negative effects upon another. However, it might be considered that the wider need for the development and specific local circumstances may still justify a consent'*. The NPPF does not say this. What the NPPF does say is that the three objectives are interdependent and mutually supportive:

'8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):……'

2.42 This section does not present an adequate representation of national policy and guidance. From the above it is clear that Government national policy and guidance:

- is supportive of aviation growth and the economic benefits it generates.
- is supportive of airports making best use of their existing runways but recognises that development can have negative local impacts, including on noise levels. As such proposals need to be judged on their individual merits taking careful account of economic and environmental impacts.
- there must be a fair balance between the economic benefits derived from the aviation sector and the negative impacts of noise for affected communities.
- managing increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.
- the UK must be more ambitious on environmental protection to ensure that growth is sustainable.
- industry must show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.
- development should contribute to and enhance the natural and local environment by preventing new and existing development from contributing or being

put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution.

- the overall noise policy objective is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise, but this is moving towards a new objective to limit and where possible reduce the total adverse effects on health and quality of life from aviation noise.
- the setting of noise caps on planning approvals should provide certainty over noise levels to communities.
- the 57dB LAeq 16 hour contour is the average noise level of daytime noise marking the approximate onset of significant community annoyance.
- people do not experience noise in an averaged manner and recommend that average noise contours should not be the only measure used to explain how locations under flight paths are affected by aircraft noise. Encouragement of the use of alternative measures.
- the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance Government expects the industry to make extra efforts to reduce and mitigate noise from night flights.
- airport operators to offer acoustic insulation to noise-sensitive buildings exposed to levels of noisier of 63 dB LAeq or more. Where insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered. Government is moving towards lowering this threshold to 60dB LAeq 16hr.
- avoid significant adverse impacts on health and quality of life from noise, mitigate and minimise adverse impacts and where possible contribute to improvement of health and quality of life through effective management and control of noise.
- the Lowest Observed Adverse Effect Level should be taken to be 51 for day and 45 for night.
- increasing noise exposure will at some point cause the Significant Observed Adverse Effect Level (SOAEL) boundary to be crossed. Above this level the noise causes a material change in behaviour. The planning process should be used to avoid this effect occurring, by use of appropriate mitigation.
- For communities further away from airports that are not affected by LOAEL, metrics must include the overall number of overflights and number above metrics (N65 for daytime and N60 for night time).

4.3 The development plan

2.43 Given that the noise impacts of the Airport and of this planning application are felt much further afield than the administrative boundary of the LBC, the County Council would have expected the Planning Statement to have reviewed and summarised any relevant development plan policies in the wider sub region (Local Plans and Neighbourhood Plans). By way of example:

Stevenage Local Plan

'Policy FP7: Pollution

All development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Applications for development where pollution is suspected must contain sufficient information for the Council to make a full assessment of potential hazards and impacts.

Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on:

a. The natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;
b. Health and safety of the public; and
c. The compliance with statutory environmental quality standards.

13.41 *Air, water, light and noise pollution arising from new development can individually and cumulatively have a significantly damaging impact on the countryside, on peoples' living environment and on wildlife. Whilst lighting is desirable for safety, recreation and the enhancement of some buildings, inappropriate lighting can cause sky glow, glare and light spill and represents energy waste.*

13.42 *We will seek to ensure that levels of pollution are kept to a minimum and are acceptable to human health and safety, the environment and the amenity of adjacent or nearby land users. Environmental Health legislation regulates many forms of pollution, but it is clearly preferable to prevent conflict from new development arising in the first place. The weight given to each criterion will depend on the particular circumstances and relevant control authorities will be consulted as necessary.*

Policy FP8: Pollution sensitive uses

Planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Planning permission in areas having the potential to be affected by unacceptable levels of aircraft noise will be subject to conditions or planning obligations to ensure an adequate level of protection against noise impacts.

13.45 Pollution sensitive uses, such as housing, schools and hospitals, should ideally be separated from pollution generating uses, such as industrial units and airports, wherever possible.

13.46 *Stevenage is located in close proximity to London Luton Airport and is, therefore, affected by aircraft noise generated from it. The direction of the runway means that some planes fly over Stevenage to take off and land. However, national guidance defines the levels of noise experienced as being acceptable. An application has been granted for work to facilitate the growth of London Luton Airport. This would see the airport cater for up to 18 million passengers per annum before the end of our Local Plan period.*

13.47 *Noise contours identified in the London Luton Noise Action Plan, 2013 - 2018, extend in close proximity to the western extent of the proposed development west of Stevenage. Development in this area, particularly, will need to ensure that any noise impacts are mitigated.'*

Dacorum Core Strategy 25th September 2013

*'**Pollution and Waste Management***

18.33 The planning system plays a key role in the location and standard of development. Together with other consent regimes and processes, it can limit the

impact of (and prevent) polluting emissions – i.e. noise, light, fumes, chemicals, noxious and hazardous substances and waste in general. Standards set nationally should continue to be achieved. When standards become more stringent, efforts must be made to enhance the quality of the air, water and/or soils.

18.34 In Dacorum special consideration needs to be given to:

- *the quality of the groundwater supplying the chalk aquifer;*
- *protecting the habitat and biodiversity of chalk streams;*
- *the maintenance of higher quality agricultural areas and the sand and gravel belt;*
- *limiting the effects of noise and air pollution along major routes (i.e. road, rail and aircraft from Luton Airport);*
- *retaining tranquil parts of the Chilterns Area of Outstanding Natural Beauty and Boarscroft Vale; and*
- *the risks associated with Buncefield Oil Terminal.*

18.35 The planning system has a role to play in the minimization of waste at or near source and in the disposal of household, commercial and construction waste. Unnecessary waste should be reduced and managed nearer to its source. To avoid unnecessary waste going to landfill sites, developers will be expected to avoid potentially polluting developments, the creation of additional waste, and the location of new development near existing sources of pollution. Where waste is unavoidable it will need to be transferred and managed. Waste recycling and management will be appropriate in many General Employment Areas. New facilities may be provided through the relocation of the existing Household Waste Recycling Centre and Waste Disposal Centre in East Hemel Hempstead.

……...

POLICY CS32: Air, Soil and Water Quality

Development will be required to help:

(a) support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area;
(b) maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance; and
(c) improve water quality standards in line with the Water Framework Directive, Environment Agency and Natural England guidance.

Any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Advice on the storage and handling of hazardous substances will be taken from the Health and Safety Executive.'

North Hertfordshire District Council Local Plan 2011-2031
Proposed Submission October 2016

*‘**Policy SP19: Sites EL1, EL2 and EL3 – East of Luton***

Land to the east of Luton, as shown on the Proposals Map, is allocated as a Strategic Housing Site for a new neighbourhood of approximately 2,100 homes.

Planning permission for residential-led development will be granted where the following site-specific measures requirements are met:

……..
j. Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces;

……..

4.224 The site is in close proximity to the Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path.

King’s Walden

Infrastructure and mitigation

13.180 Breachwood Green is located on the approach and departure flightpaths from Luton airport and any schemes will need to demonstrate that noise issues have been appropriately addressed and that internal noise levels within any new homes are within relevant guideline levels.

Policy D3: Protecting living conditions

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

9.19 All development has the potential to have an adverse impact on its neighbours, in a wide variety of ways. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.

9.22 There are two ways mitigation may occur. Either the development can incorporate measures to reduce the effect it has, or it can fund works off site to reduce the impact on those affected by it. This latter course of action may be appropriate for development such as the expansion of airfields, where there will inevitably be an increase in noise, but it may be possible to provide sound protection to those buildings affected by that noise.’

Noise and Vibration

5.47 Noise can have a detrimental effect on the environment and on quality of life. PPG 24 'Noise' provides guidance on the use of planning powers to minimise the adverse impact of noise. In accordance with that advice the Council will seek to ensure that noise-sensitive developments, such as housing, are separated from major sources of noise. It will also seek to ensure that new development with a potential for causing noise nuisance is sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472:1992 will be used to evaluate exposure to vibration in buildings. The Council has powers under Environmental Health legislation in respect of statutory noise nuisances.

5.48 In considering proposals for development the Council will take into account:

- *Possible future increases in noise levels;*
- *That the introduction of noisy activities into some residential and rural areas can be especially disruptive because of their existing very low background noise levels;*
- *That intermittent sources of noise can be more disruptive than constant sources;*
- *That particular difficulties are posed by fast food restaurants, public houses, night clubs etc, both from noise generated within the establishments and by customers in the vicinity, traffic and parking, especially in view of their evening and late night activity;*
- *That whilst design measures such as orientation, layout and double-glazing can reduce noise levels within buildings, such measures are less effective in reducing the level of noise experienced in public or private amenity areas.'*

Welwyn Hatfield District Plan 2005

'Policy R19 - Noise and Vibration Pollution

Proposals will be refused if the development is likely:

i. To generate unacceptable noise or vibration for other land uses; or
ii. To be affected by unacceptable noise or vibration from other land uses.

Planning permission will be granted where appropriate conditions may be imposed to ensure either:

iii. An adequate level of protection against noise or vibration; or
iv. That the level of noise emitted can be controlled.

Proposals should be in accordance with the Supplementary Design Guidance.'

The East Herts District Plan 2018

'24 Environmental Quality

24.1 Introduction

24.1.1 *The control of pollution is critical to achieving the District Plan's strategic objectives by promoting healthy lifestyles and an enhanced quality of life for residents*

and visitors to the district. Pollution control through development also plays a significant role in planning for climate change and working in harmony with the environment to conserve natural resources and increase biodiversity.

24.1.2 *Proposals for all types of development must therefore take into account nearby land uses to ensure that the right development is located in the right place across the district, in order to safeguard the quality of the environment. Policies relating to water quality and water pollution are contained within Chapter 23: Water.*

……

24.3 Noise Pollution

24.3.1 *The impact of noise on the environment can be detrimental to health and quality of life. There is therefore a need to control the introduction of noise sources into the environment, as well as ensuring that new noise sensitive development is located away from existing sources of significant noise……..*

Policy EQ2 Noise Pollution

I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.

II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.

III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.'

London Luton Airport Development Brief September 2001

2.44 This Development Brief is out of date and is no longer listed by LBC as Supplementary Planning Guidance:

https://www.luton.gov.uk/Environment/Planning/Planning%20applications%20(Building%20Control)/Planning%20application%20forms%20and%20validation%20guidance/Supplementary%20planning%20documents/Pages/default.aspx

2.45 Nevertheless, some of the more relevant aspects of the Brief not included in the Planning Statement include:

'Non-Technical Summary

……..

Growth in business at LLA will assist the economy of the Luton and Dunstable conurbation which is one of the South East's Priority Areas for Economic Regeneration.

……...

Current Government policy on airports ***supports demand-led growth within acceptable environmental limits****. This policy is now under review. Various options for addressing airport development in the South East and throughout the country are under consideration.*

Within the Brief LLAOL advocates a "capacity approach" to environmental management, which allows the company greater flexibility and creativity in meeting the agreed thresholds than controls on passenger throughput. That system is essentially the method in operation with the current Phase 1 developments and LLAOL believes that this approach will foster development of the airport in a manner that combines economic and social benefits, with environmental responsibility.

The London Luton Airport Development Brief outlines a future form for the airport in which the benefits of its ***future expansion can be shared between the operating company, the local community, and the travelling public, in an environmentally responsible manner****.*

8.6 Airports are major generators of local employment and wealth, and ***growing airports impact positively by providing more jobs, greater economic growth****, and continued local investment and partnership.*

8.7 ***Airports also bring with them a number of other environmental and community impacts****, including impacts on water, air and soil quality; noise; local transport system; landscape and ecology, and demand on utilities. In general, growing airports are likely to cause growing impacts, although the rate of growth of each impact will differ.*

8.16 Since LLA is located very close to a major conurbation, ***aircraft noise and its impact on local communities has been, and will continue to be, the most significant environmental impact****. Of rising importance are the issues of surface transport; air quality; and ecology. Improvements to these aspects, plus waste and energy management, emissions to water, air and land, and chemicals handling, are targeted within the LLAOL Environmental Management System (EMS) summarised later.*

8.42 The most useful policy element on sustainable development for the Brief is contained in the World Bank definition of 1991, where it is stated that the ***rate of pollution emission should not exceed the assimilative capacity of the environment****.*

8.43 This then relates to the previous section on environmental capacity; ***the non-excedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved****.*

8.58 ***Sustainable airport development can be attained by the non-excedence of agreed limits on environmental capacity (under the World Bank definition); and***

by balancing economic, social and environmental considerations (UK Government strategy for sustainable development).

ENVIRONMENTAL CAPACITY

9.21 The principle of Environmental Capacity is explored in Chapter 8 above and is specifically detailed in terms of noise issues in Appendix B.

9.22 The concept that ***noise is an issue in terms of sustainable development*** *is being addressed by the Government's Round Table on Sustainability,* ***as one of the environmental concerns that must be considered in balancing the economic, social and environmental effects of development. This suggests that in creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result****.*

9.23 The principle being adopted by LLAOL is that seeking this balance will be one of the key criteria that will provide the framework for any ES to accompany a future planning application.'

9.24 The ES to accompany the future planning application will fully assess noise impact of both ground and air activities.

9.25 In terms of air noise it is anticipated that LLAOL will use the INM model and, following Government criteria together with 'best practice' that has arisen from the Heathrow and Manchester proposals, the assessment will:

9.25.1 develop day and night noise contours for air traffic using both easterly and westerly modes;

9.25.2 enable comparison with both the 1984 noise levels and the relevant current (baseline) levels; and

9.25.3 assess the impact at specific locations to be agreed with the local authorities.

9.26 Full use would be made of the data obtained from the fixed and mobile monitors to assist with the assessment process.

9.27 The use of potential mitigation measures for all forms of noise impacts will be considered in relation to the specific forecast noise impact. ***Appropriate measures will be proposed directed at addressing any predicted significant impact whilst taking into account the principles of sustainability****.'*

London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012

2.46 No reference is made within the Planning Statement to the latest up to date masterplan for the Airport dated September 2012. This was the framework within which the original planning application was made and consent granted. The Noise and Vibration section of the masterplan is particularly relevant.

'Noise and vibration

9.27 ***The management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be.*** *The Airport's approach to noise management was recently reviewed, and led to the production of the Luton Airport Noise Action Plan 2010-2015 (NAP), which was approved by the DfT and Defra. In its recent consultation on airport development, LLAOL made clear that the 55 action items identified in the approved NAP should be developed and supplemented to address "possible" future noise impacts. The NAP therefore forms the first part of the approach to noise management contained in this revised masterplan and will be reviewed on a five yearly cycle. However, LLAOL has identified six new initiatives all designed to supplement the content of the NAP with the intention of both reducing and mitigating airport related noise. These initiatives also respond to the consultation undertaken in Spring 2012 and are described below.*

9.28 ***A key issue for LLAOL is to minimise and manage all noise but in particular night noise. Future aircraft operations are likely to be inherently less noisy as a result of re-engining of the fleet at Luton, in particular the Boeing 737 and Airbus A320 family of aircraft. However, the timing of these changes is not certain.*** *As a result, LLAOL seeks to deliver improvements that will be effective regardless of fleet mix. Figure 9.4 highlights certain current NAP actions, and those supplementary measures (in italics) we now propose, which are related to the planning application to grow the Airport to accommodate 18 mppa.*

9.29 ***The development and inclusion of supplementary measures, are proposed in order to minimise noise impact from the proposed growth of the Airport. The measures will be subject to regular review such that future changes can be incorporated if found beneficial. It is anticipated that the measures will be incorporated into conditions and/or a section 106 agreement associated with the grant of any planning permission.***

9.30 Together these measures constitute a robust and comprehensive approach, responding to the government's clearly stated objective of achieving tougher noise management regimes at airports.*'*

Noise Action Plan 2019-2023

2.47 No reference is made within the Planning Statement to the Noise Action Plan for the Airport, which has been approved by DEFRA. Particularly relevant extracts from the Noise Action Plan include:

*'****London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts.*** *This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon it's established approach to the proactive management of aircraft noise in and around the airport.'*

'Framework for Noise Management

Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also shares in the success of the airport. ***At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise****.*

Once the current development is complete, LLA will contribute £1.4billion per year to the local economy and £2.3billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. ***But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.****'*

'…….This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. ***It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.****'*

'Action ref 3.4 We will operate within our agreed contour area limits'

'KP3 Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.'

4.4 Development plan conclusion

2.48 The Planning Statement presents a poor reflection of the conclusions that should be reached from analysis of the development plan and local documents associated with it/of relevance.

2.49 The Luton Local Plan supports the safeguarding of LLA's existing operations and its sustainable growth over the Plan period based on its strategic importance in support of Luton's important sub-regional role, subject to a range of criteria, the most relevant of which are:

- that they are directly related to the use of the Airport.
- must comply with national policy.
- are in accordance with an up-to-date masterplan published and adopted by LBC.
- would not adversely affect the amenities of surrounding occupiers or the local environment.
- achieve further reduction or no increase in day or night time noise in accordance with any imposed planning condition or otherwise cause excessive noise and be in accordance with the Airport's most recent Noise Action Plan.

- include noise control, monitoring and management scheme that ensures the current and future operations are fully in accordance with the policies of the Local Plan and planning permission.
- include proposals which will over time result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents through measures to include fleet modernisation.

2.50 In addition the Luton Local Plan requires proposals to demonstrate they will not result in significant adverse effects, including noise, on neighbouring development.

2.51 Relevant policies in adjoining local plans seek to minimise and protect the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

2.52 The masterplan for the Airport stresses that the management and control of noise continues to be a major element of the Airport's policy of seeking to be the best neighbour it can be. The key issue is to minimise and manage all noise, but in particular night noise.

2.53 The NAP approved by DEFRA contains specific commitments to operate within agreed contour area limits and to limit and where possible reduce the population within the night time contour over the course of the plan.

5.6 Economic Impacts

Economic contributions/Passenger forecasts

2.54 This analysis simply repeats generic economic statements at a strategic level and are of very little relevance to this planning application.

Economic impacts of no variation

2.55 No evidence is presented that the original economic benefits of the planning application as assessed and judged when planning permission was granted will not be forthcoming. It must therefore be assumed that all these economic gains will ultimately materialise.

2.56 The alleged economic disbenefits presented are the direct consequence of irresponsible management of the operations of the Airport and are not robustly quantified.

6. Section 106 deed of variation

2.57 For the reasons set out in paragraph 4.5 the proposed sound insulation mitigation is entirely insufficient in its scale and completely ineffective in mitigating against the significant impacts arising.

7. Planning balance/8. Conclusion

2.58 For the reasons set out in section 4, the alleged planning balance and conclusion set out in these sections is considered to be inadequate and wrong.

3. The Planning Application - The Environmental Statement (ES)

3.1 The ES states that:

2.2 Consideration of alternatives

'Alternatives to varying Condition 1 have not been considered as part of this assessment. A 'do-nothing' scenario would mean that the airport operates in line with the 2012 consented scheme, already assessed within the 2012 ES but would result in either an unacceptable economic impact resulting from restrictions that would be placed on operators or repeated breaches of Condition 10.

Only where alternatives have been considered do they need to be assessed. As no reasonable alternatives to the proposed variation to Condition 10 have been considered by the Client, this ES is compliant with the requirements relating to alternatives under the EIA Regulation.'

3.2 The County Council is of the view that the applicant should indeed have considered at least one obvious reasonable alternative – one involving the applicant reversing its irresponsible behaviour and scaling back its operations to a point that would bring it within the terms of the planning consent, not breaching Condition 10. Had this reasonable alternative been considered and assessed, it would have been possible for the ES to have assessed that alternative and meaningfully compared it with the proposal the subject of this planning application.

3.3 Without this alternative the ES fails to present a picture of the socio-economic consequences of restricting operations.

3.4 *'…but would result in either an unacceptable economic impact resulting from restrictions……'* - without an assessment of the economic consequences of continuing with the present restrictions compared to the economic benefits of approval of this application it is impossible for the applicant to claim that there will be an *'unacceptable economic impact'* or for the decision maker to assess whether there will be. Moreover, only when armed with this information can the local planning authority itself reach any reasonable conclusion.

5. Legislative and policy overview

3.5 For the reasons set out in section 2 the planning context for the planning application is inadequate.

6. Topics Scoped-out of Further Assessment

6.8 Traffic and transport

3.6 It is true that this planning application does not introduce any additional total vehicular movements on the highways network in addition to those assessed as part of the original planning application and the mitigation measures introduced into the planning consent. However, the applicant should also be required to present a rationale (and evidence if necessary) for why the enhanced rate in growth of the Airport

in excess of that assumed when the original planning permission was granted does not impact upon the original surface access assessment and mitigations secured.

Section 7. Noise

3.7 The County Council welcomes the advice secured by LBC with regard to the noise implications of the proposal and the analysis provided and conclusions reached. The County Council broadly supports the findings of that advice.

Mitigation Hierarchy

3.8 The Environmental Statement should have considered more explicitly as a matter of standard practice, the mitigation hierarchy, namely ensuring that the key focus of mitigation actions are on:

- preventative measures that avoid the occurrence of environmental impacts and thus avoid harm or even produce positive outcomes.
- measures that focus on managing the severity and the duration of the impacts.
- compensatory mitigation of those impacts that are unavoidable and cannot be reduced further.

3.9 It is unclear if or how this hierarchy has been deployed in order to minimise the extent of the breach of condition 10 now proposed. It is also unclear as to how the compensatory mitigation (an additional for noise insulation £100,000) has been arrived and whether this will be sufficient.

4. The County Council's position

4.1 The planning application focusses on two main planning issues that need to be accounted for in coming to a view on the planning application – economic and noise. The County Council would agree with this – they are two key themes running through policy and guidance at both local and national level. Given their fundamental importance in the interpretation of policy in determining tis application, the County Council's position is as follows:

Economy

4.2 The County Council is of the view that:

- the economic benefits associated with the original planning application were a key consideration in the decision to grant planning permission for the growth of the Airport.
- the application does not contain any evidence to indicate that the economic benefits originally envisaged will not materialise were this planning application to vary condition 10 refused. It must therefore be assumed these will still be forthcoming.
- the application suggests that there will be adverse economic consequences were permission not to be granted for a variation of Condition 10. But these economic consequences are generic in nature, not robustly quantified or evidenced, and in part appear to amount to the applicant having had a discussion with businesses operating at the Airport. Neither the Planning or the Environmental Statement robustly quantify the economic implications of:
  - scaling back operations to remedy the breach.
  - managing future operations to ensure no further breach occurs.
  - allowing the Airport to vary condition 10.
- any economic consequences of refusal of the planning application would be the direct responsibility of the failure of the applicant to manage the operation of the Airport in accordance with the terms of the planning consent.
- the applicant makes a rather sweeping claim that the economic benefits can compensate for the health effects of increased noise as '*the continued economic benefits to the local communities that the airport would generate if the proposal were approved would bring health benefits in themselves through improved lifestyles and living conditions.'* This is very high level and unevidenced.
- the Airport will have operated in the full knowledge that remedying breaches in in planning control would have economic consequences, and will presumably have fully accounted for this in its forward-looking financial planning/business management.

4.3 The County Council is strongly of the view that the 'case' presented in relation to the economic benefits of the proposal (or the economic disbenefits of regularising the breach of planning control) have not been robustly assessed and cannot be relied upon in any way as a justification for overriding the significant environmental consequences of the proposal. A proper robust economic impact assessment is required which should look at the impact of approval as against refusal on the basis usual economic indicators including job creation and GVA generated by the Airport during the years where the restriction could limit ATMs, etc.

Noise

4.4 The County Council welcomes the commissioning by the LPA of expert specialist aviation noise advice to assist it in coming to a suitably informed positon on the planning application. The County Council is broadly supportive of these findings, which in summary are:

'We therefore believe that the noise assessment reported in the ES is inadequate in that it does not provide a sufficient description of the adverse effects likely to arise and offers no effective means of mitigating significant adverse effects.

We reach this view in the context of the government's policy regarding the use of noise envelopes, namely that they give local communities certainty about the levels of noise they can expect in the future. That certainty has clearly vanished given that breaches of the night-time noise envelope have already occurred, and this application now seeks to formalise a position whereby breaches are effectively permitted for a number of years.

In supporting such an application, we would expect the ES to clearly describe the full implications of the noise changes. It should then go on to set out what practical and effective measured can be implemented to mitigate or compensate for noise levels that are higher than the affected community had a right to expect. In our opinion it fails to deliver on either of these counts. Instead it gives the impression that since predicted noise level changes are small, and people in the surrounding areas will therefore hardly notice, minor tweaks to operational controls and a completely ineffective change to the sound insulation grant scheme are all that are required to make it acceptable.

We do not consider that to be an adequate position given that the application tests the robustness of an important strand of government policy on aviation noise.'

4.5 Specifically, in relation to effects and mitigation the findings are:

Residential receptors

- during daytime the proposal would increase the number of dwellings exposed to noise levels above LOAEL constituting a likely adverse effect by 5,760 and 213 dwellings exposed to noise levels above SOAEL constituting a likely significant adverse effect.
- during night-time the proposal would increase the number of dwellings exposed to noise levels above LOAEL constituting a likely adverse effect by 5,893 and 470 dwellings exposed to noise levels above SOAEL constituting a likely significant adverse effect (but these figures could actually be 6,388 and 1,047 respectively).
- during the daytime the N65 contour at all values (25, 50, 100 and 200) would encompass a substantially increased number of dwellings with the value at 200 events increasing by 15,300%. No intelligence is provided on what this means, who is affected and what can be done about it.
- during the night dwellings are only affected at N60 values of 25 and 50 events, very substantial increases would arise.
- it is unacceptable to present such limited information about the N60 and N65 noise metric that can provide an important insight into the likely effects of the proposed changes. It is even more unacceptable to undertake no analysis and provide no commentary whatsoever on the implications of these changes.

Non-residential receptors

- the assessment of non-residential noise sensitive receptors is incoherent and cannot be accepted – it confuses impact for effect, no reference is made to the thresholds for significant effects and fails to anywhere near adequately identify receptors by type or assess them against assessment criteria.

Mitigation

Greater than SOAEL

- no changes are proposed to the existing Sound Insulation Grant Scheme (SIGS) beyond the enhanced contribution to funding of £100,000 per annum.
- the proposition that the existing SIGS with enhanced funding is sufficient to address the assessed significant adverse effects is fundamentally flawed.
- for daytime, the total cost of applying SIGS to all of the 213 dwellings newly exposed to SOAEL would cost £639,000 (higher when index linked). At a funding rate of £200,000 per annum it would take 3 years and 2 months to insulate all newly eligible properties.
- for night-time the situation is materially worse. The total cost of applying SIGS to all of the 1,047 dwellings newly exposed to SOAEL would cost £3,141,000 (higher when index linked). At a funding rate of £200,000 per annum it would take 15 years and 8 months to insulate all newly eligible properties.
- the enhanced funding proposed to protect dwellings affected will not be available by summer operations this year. Only if funds of more than £3 million had been made available in time to ensure that all residences newly affected by noise above the night-time SOAEL could have had sound insulation installed in advance of summer 2019 would SIGS have been a viable response to the forecast significant effects.

Greater than LOAEL

- the mitigation proposals to address the substantial numbers of people affected by aircraft noise above LOAEL do not appear to introduce anything substantive in additional to existing commitments/requirement.

4.6 The specialist noise advice to LBC does not comment upon the applicant's view:

'……..The proposed variation would……..cause an additional 470 dwellings to be within the SOAEL area than at present……...In effect, the noise increase requested would comprise an increase of 1dB, which is unlikely to be distinguishable……..'

'……..the effect of moving properties from one noise threshold to another, whilst accepting that the new threshold is significant, would in practice result in a 1dB change in their day to day experience of noise.'

'whilst the change in noise levels may have some effects on human health, the impact is reported to be slight-moderate and measures to mitigate the impact are being provided.'

4.7 The County Council is of the view that whilst it may well be true that it is not possible to distinguish a 1db change in noise levels, this is of little relevance. What is relevant is that the increase results in individuals/communities being subjected to significant adverse noise impacts and that those generate health impacts up to moderately significant. Also, communities do not hear in averages, they perceive the peak noise of individual flights and numbers of flights. The adverse noise and health impacts cannot be mitigated for the reasons set out by LBC's noise advisers. In the absence of effective mitigation, potentially significant adverse health impacts arise.

4.8 Given this the County Council is strongly of the view that:

- the application is fundamentally flawed in its assessment of the noise impacts of the proposal.
- on the basis of evidence currently available, the scale of noise and health impacts on individuals/communities is totally unacceptable.
- the application fails to introduce any practical and effective mitigation against adverse noise and health impacts and is unable to do so.

The development plan and material considerations

4.9 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise [section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004].

Development Plan

4.10 The development plan for this planning application is predominantly the Luton Local Plan 2011-2031 dated November 2017. This is the key policy context against which this planning application needs to be assessed. The development plan making up the wider sub-region over which the proposal would have impacts is also relevant.

Material considerations:

4.11 Material considerations are likely to include:

- National Planning Policy Framework
- Aviation Policy Framework
- National Planning Practice Guidance
- Aviation 2050: The Future of UK Aviation
- Beyond the Horizon The future of UK Aviation Making best use of existing runways
- Airports National Policy Statement
- A Green Future: Our 25 Year Plan to Improve the Environment
- Noise Policy Statement for England
- Air Navigation Guidance
- London Luton Airport Development Brief
- London Luton Airport Operations Limited Revised Masterplan

- Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport

Development Plan

Luton Local Plan

Policy LLP6 - London Luton Airport Strategic Allocation

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the airport. Proposals for development will only be supported where the following criteria are met, where applicable/appropriate having regard to the nature and scale of such proposals:

i. they are directly related to airport use of development;

4.12 The proposal is related to use of the Airport.

ii. they contribute to achieving national aviation policies;

4.13 For the reasons set out below in relation to compliance with national policy, the application is not consistent with LLP6 B. ii).

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;

4.14 The up-to-date Airport Master Plan has not been adopted by the Borough Council. Policy LLP6 B. iii) is not relevant.

iv. do not result in a significant increase in Air Transport Movements that would adversely affect the amenities of surrounding occupiers or the local environment (in terms of noise, disturbance, air quality and climate change impacts);

4.15 The proposal does not seek to increase Air Transport Movements above those contained within the extant planning permission. It does, however, seek to remedy a breach of planning control brought about by a significant rate of increase in Air Transport Movements in excess of those assumed when permission was granted. For the reasons set out in paragraphs 4.4-4.7 above this has resulted in the amenity of surrounding occupiers and the local environment being adversely affected. The proposal is contrary to LLP6 B. iv).

v. Achieve further noise reduction or no increase in day or night time noise in accordance with any imposed planning condition or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;

4.16 The proposal is in contradiction to condition 10 of the planning consent in that it will not achieve a reduction in day or night time noise and proposes to increase it.

The proposal is not in accordance with the Airport's most recent Airport Noise Action Plan (it is fundamentally at odds with Action ref 3.4 and KP3).

4.17 The application is contrary to LLP6 B. v).

vi. include an 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:

4.18 A noise control, monitoring and management scheme was put in place by the original planning consent (as amended). The planning application is designed to seek to remedy an historic, existing and anticipated future breach of a condition attached to the planning permission. As a consequence the planning application is contrary to LLP6 B. vi.

vii. include proposals which will over time result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents and occupiers and users of sensitive premises in the area, through measures to be taken to secure fleet modernisation or otherwise;

4.19 The application is designed to seek to remedy an historic, existing and anticipated future breach of a condition attached to the planning permission. It will not result in a significant diminution and betterment of the effects of aircraft operations on the amenity of local residents and users of sensitive premises. The planning application is contrary to LLP6 B vii).

viii.

4.20 not relevant.

ix.

4.21 not relevant.

4.22 The proposal does not meet **all** LLP6 B policy criteria. The proposal is not in accord with the key Development Plan policy applying to this proposal.

*'**Policy LLP38***

Policy approach

11.62 Government policy requires development plans to include policies to minimise waste and pollution (NPPF paragraph 7, bullet 3 and paragraph 17, bullet 7).

11.63 The planning authority should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (NPPF paragraph 109).'

4.23 For the reasons set out in paragraph 4.4-4.7, the application is considered to be in conflict with Policy LLP38 due to existing development being put at an

unacceptable risk from and being adversely affected by unacceptable levels of noise pollution.

*'**Policy LLP38 - Pollution and Contamination Pollution***

Evidence on the impacts of development will need to demonstrate whether the scheme (individually or cumulatively with other proposals) will result in any significantly adverse effects with regard to air, land or water on neighbouring development, adjoining land, or the wider environment. Where adverse impacts are identified, appropriate mitigation will be required. This policy covers chemical, biological, and radiological contamination and the effects of noise, vibration, light, heat, fluid leakage, dust, fumes, smoke, gaseous emissions, odour, explosion, litter, and pests.'

4.24 For the reasons set out in paragraph 4.4-4.7, the planning application will have a significant adverse impact on neighbouring development and the wider environment and does not contain proposals for appropriate mitigation. The application is in conflict with Policy LLP38 of the adopted Luton Local Plan.

*'**Economic Strategy***

Strategic Objectives

Strategic Objective 1: *Retain and enhance Luton's important sub-regional role as a place for economic growth and opportunity including the safeguarding of London Luton Airport's existing operations and to support the airport's sustainable growth over the Plan period based on its strategic importance.*

Strategic Objective 2: *To utilise Luton's economic, social and environmental resources efficiently and sustainably including appropriate mitigation within the limited physical land capacity of the borough whilst ensuring the permanence of the Green Belt.*

5.7 The development of, and improved access to, the London Luton Airport Strategic Allocation, which includes Century Park, is needed to serve aviation engineering, business and logistics related growth and some small scale B2 accommodation for local businesses.

Policy LLP13: Economic Strategy

A. Planning applications will be granted where they deliver sustainable economic growth and prosperity to serve the needs of Luton and the wider sub region Jobs will be generated through business and industry development on strategic employment allocations,…… The strategic allocations for delivery are:
……..
ii. London Luton Airport (Century Park): mixed aviation related B1b-c, B2 and B8, small scale ancillary service uses and hotel use (see Policy LLP6);……..'

4.25 Whilst the application is not in conflict with Policy LLP13, neither does the policy provide sufficient justification for the application, for the following reasons:

- the contribution that growth at the Airport to 18mppa was a key consideration in determining the original planning application.

- this planning application is not required to achieve the economic benefits of growth to 18 mppa anticipated when the original planning application was approved.
- the economic consequences of the restricting the Airport's operations to bring it in line with the planning consent have not been properly quantified to a sufficiently robust degree for these to be used by the LPA as justification to overcome environmental and health disbenefits/impacts.

The Development Plan of adjoining districts

4.26 As highlighted in paragraph 2.43, relevant policies in adjoining existing and emerging local plans seek to minimise and protect the impact of the Airport on development in their areas and policies relating to noise generally seek to reduce noise pollution and keep it to a minimum, to levels acceptable to human health and safety and refusal of proposals that would cause harm from a significant increase in noise pollution.

4.27 For the reasons set out in paragraph 4.4-4.7, the planning application is considered not to be compatible with the thrust of the development plan of adjoining areas.

National Policy and Guidance

National Planning Policy Framework

Presumption in favour of sustainable development

4.28 Criteria a and b of the presumption in favour of sustainable development relate to plan-making and criteria d) relates to circumstances in which there is not an up to date development plan in place or where policies are out of date, neither of which apply in this case. Only criteria c), requiring approval of development proposals without delay where they accord with an up-to-date development plan is of relevance to this planning application. For the reasons set out above in paragraphs 4.12-4.27 this planning application is not in accordance with the development plan.

4.29 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by, amongst other matters:

'……..
e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and……'

4.30 For the reasons set out in paragraphs 4.4-4.7, this proposal would not prevent development from contributing to existing development being put at unacceptable risk from or being adversely affected by noise pollution, nor would it improve local environmental conditions.

4.31 Paragraph 180 states that planning decisions should ensure that new development is *'appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

'a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;'

4.32 For the reasons set out in paragraphs 4.4-4.7 this proposal is not appropriate for its location as a consequence of its impact on pollution and health and living conditions. It does not and cannot successfully mitigate against adverse noise impacts. The proposal does not seek to reduce to a minimum potential adverse impacts because it requests an extended day time noise contour even though there is no forecast future breach.

Aviation Policy Framework (APF)

4.33 At paragraph 3.3 the APF states:

'3.3 We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.'

4.34 For the reasons set out in paragraphs 4.2-4.3 the alleged economic benefits of allowing this proposal have not been robustly quantified and any disbenefits of refusal of planning permission would only be temporary. There is no robust economic case for this proposal.

4.35 This proposal does not propose to reduce noise – the opposite in fact.

4.36 This proposal does not and cannot mitigate against noise impacts created by it.

4.37 At paragraph 3.12 the APF states:

3.12 The Government's overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry.

4.38 This proposal seeks to increase the number of people significantly affected by aircraft noise at the Airport. As a consequence the Airport is not contributing to a national policy objective to reduce the number of people in the UK significantly affected by aircraft noise.

4.39 Paragraph 3.19 of the APF states:

3.19 Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities, developing these measures in consultation with their consultative committee and local communities. The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures.

4.40 For the reasons set out in paragraphs 4.4-4.7 this planning application fails to present evidence on a range of measures alternative to LAeq noise contours to ensure a better understanding of noise impacts to inform the development of targeted noise mitigation measures.

4.41 At paragraph 3.24 the APF states:

'3.24 The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.'

4.42 For the reasons set out in paragraphs 4.4-4.7 this proposal fails to identify proportionate mitigation for the scale of the noise problem created and the numbers of people affected.

4.43 At paragraphs 3.37-3.41 the APF states:

'3.37 The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.

……..'

4.44 For the reasons set out in paragraphs 4.4-4.7 this proposal does not and cannot compensate impacted communities in the form of insulation.

National Planning Practice Guidance (NPPG)

4.45 Amongst other matters, NPPG states:

'Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- *whether or not a significant adverse effect is occurring or likely to occur;*
- *whether or not an adverse effect is occurring or likely to occur; and*
- *whether or not a good standard of amenity can be achieved.*

…….

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

…….

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.
…….

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

……

In cases where existing noise sensitive locations already experience high noise levels, a development that is expected to cause even a small increase in the overall noise level may result in a significant adverse effect occurring even though little to no change in behaviour would be likely to occur.

……

…….In general, for noise making developments, there are 4 broad types of mitigation:

……

- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.'*

4.46 This proposal does not introduce any additional mitigation measures for those newly subjected to LOAEL and is unable to avoid the Airport crossing the SOAEL threshold and cannot provide effective mitigation. The application is unacceptable for the reasons set out in paragraphs 4.4-4.7.

Aviation 2050: The Future of UK Aviation (A2050)

4.47 At paragraph 1.21 A2050 states:

'1.21 This is why the government is supportive of the development of a third runway at Heathrow Airport…… It is also supportive of airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed. However, there is a need for clarity on what the future framework will be for providing additional capacity to meet demand, while managing environmental and community impacts.'

4.48 For the reasons set out in paragraphs 4.4-4.7, this proposal does not and cannot adequately manage environmental and community impacts.

4.49 At paragraph 1.33, 1.35 and 3.112 A2050 states:

'1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.

1.35 This is the motivation behind a new Aviation Strategy which will:
……...

- ***ensure that aviation can grow sustainably** – moving beyond an artificial 'choice' between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts*
- ***support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country*
- ……..

3.112 The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth……'

4.50 The County Council believes that a partnership was entered into when the original planning permission was granted which balanced the economic benefits of growth with the impacts upon communities and the environment. For the reasons set out in paragraphs 4.4-4.7 this proposal betrays that partnership. It cannot be considered to rise to Government expectations for the industry to commit to noise reduction and mitigation.

4.51 At paragraphs 3.114 and 3.115 A2050 state:

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. 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.

3.115 The proposed new measures are:

- *setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017.*

- *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. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. ……'*

4.52 For the reasons set out in paragraphs 4.4-4.7 this proposal is not consistent with Government intentions to put in place a stronger and clearer framework where industry reduces noise/puts in place mitigation measures where reductions are not possible. The original planning consent put in place appropriate limits to restrict adverse effects on health and quality of life from aviation noise. The noise contour restrictions put in place in the original planning consent are consistent with Government expectations that noise caps are set as part of planning approvals to balance noise and growth and to provide future certainty over noise levels to communities. This proposal seeks to increase limits and take away certainty to communities achieved by the original planning consent. The proposal is not consistent with paragraphs 3.114 and 3.115 of A2050 and is considered to be unacceptable for the reasons set out in paragraphs 4.4-4.7.

4.53 Paragraphs 3.121 and 3.122 of A2050 state:

'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'*

4.54 For the reasons set out in paragraphs 4.4-4.7 the noise insulation mitigation package presented in the proposal is inadequate and ineffective. The ES takes the level of 63dB LAeq, 16hr as a suitable value for the SOAEL for the assessment of likely significant adverse effects. This is based on paragraphs 3.37-3.39 of the APF and is the level at which the Government expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals and residential properties exposed to levels of noise of 63 dB LAeq,16h or more. A2050 proposes to extend the noise insulation policy threshold beyond the current 63dB LAeq 16hr contour to 60dB LAeq 16hr and sees this is *'an important element in giving impacted communities a fair deal'*. The County Council is of the view that the planning application should also have used the 60dB LAeq 16hr as an alternative suitable value for SOAEL for the assessment of likely significant adverse effects as it represents an indication of where Government currently stands on protection of communities in terms of mitigation.

4.55 At paragraph 4.3 A2050 states:

'Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

4.56 For the reasons set out in paragraphs 4.2-4.3 the potential adverse economic impacts of this proposal have not been robustly assessed, if they exist are considered to be temporary and have arisen as a consequence of the Airport failing to responsibly manage its operations. The adverse environmental impacts are considered to be unacceptable for the reasons set out in 4.4-4.7.

Beyond the Horizon The future of UK Aviation Making best use of existing runways (MBUER) June 2018

4.57 Paragraphs 1.22 and 1.24 of MBUER state:

'Local environmental impacts

1.22 The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. 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.

1.24 As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.'

4.58 For the reasons set out in paragraphs 4.2-4.3, the economic benefits to be shared on growth of the Airport were assessed when permission was granted and those economic benefits are assumed to continue to be forthcoming. Adverse impacts were also assessed when permission was granted and mitigation put in place. This proposal seeks to increase adverse noise impacts and does not and cannot bring forward meaningful effective mitigation.

4.59 At paragraph 1.29 MBUER states:

'1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.'

4.60 The economic benefits of growth in the Airport were assessed and accepted when planning permission was granted. These economic benefits will continue to come forward as anticipated. There is no economic case to override the environmental impacts for the reasons set out in paragraphs 4.2-4.3.

Airports National Policy Statement (ANPS)

4.61 The ANPS states:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.'

Noise

Introduction

5.44 The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport, although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- *Avoid significant adverse impacts on health and quality of life from noise;*
- *Mitigate and minimise adverse impacts on health and quality of life from noise; and*
- *Where possible, contribute to improvements to health and quality of life.'*

4.62 For the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

A Green Future: Our 25 Year Plan to Improve the Environment

4.63 The 25 year Plan states:

'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. ***We must ensure that noise and light pollution are managed effectively.****'*

4.64 For the reasons set out in paragraphs 4.4-4.7 the proposal would not ensure that noise pollution is effectively managed.

Noise Policy Statement for England (NPSE)

4.65 The NPSE states:

'Noise Policy Aims

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- *avoid significant adverse impacts on health and quality of life;*
- *mitigate and minimise adverse impacts on health and quality of life; and*
- *where possible, contribute to the improvement of health and quality of life.*

The first aim of the Noise Policy Statement for England

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

4.66 For the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse effect on health and quality of life, cannot effectively mitigate/minimise adverse impacts and will not contribute to improvements to health and quality of life.

Air Navigation Guidance 2017 (ANG)

4.67 One of the four key objectives of ANG is to:

‘• emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.’

4.68 For the reasons set out in paragraphs 4.4-4.7 this proposal does not and cannot mitigate against the environmental impact.

4.69 ANG goes on to state:

‘Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government’s three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise. It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis. As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL. For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise. The CAA’s overflights metric is a means of portraying those locations where residents will experience being overflown. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

4. Detailed Management of aircraft noise: guidance for airports, airlines and air navigation service providers and CAA in respect of CAA’s noise management function

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.'

4.70 For the reasons set out in paragraphs 4.4-4.7 this proposal would have significant and unacceptable adverse noise impacts upon communities. This does not represent a fair balance between the economic benefits and the negative impacts of noise.

London Luton Airport Development Brief September 2001 (LLADB)

4.71 The LLADB does not feature on the LBC list of Supplementary Planning Guidance, though it appears from the LBC Regulation 25 request that it has not been revoked. The adopted Luton local Plan makes no reference to the Development Brief and instead refers to *'This is supported by Policy LLP6, which includes criteria to allow additional proposals to be considered in accordance with the most up-to-date Master Plan (i.e. that Master Plan which is applicable at the time of determining any planning application)'*. The County Council is of the view that the Development Brief can only be considered to carry limited weight in decision-making given its age and that it has been superseded by the London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012.

4.72 Nevertheless, some of the more relevant aspects of the Brief are highlighted in paragraph 2.45. Of particular relevance to this planning application are the following extracts:

Within the Brief LLAOL advocates a "capacity approach" to environmental management, which allows the company greater flexibility and creativity in meeting the agreed thresholds than controls on passenger throughput. That system is essentially the method in operation with the current Phase 1 developments and LLAOL believes that this approach will foster development of the airport in a manner that combines economic and social benefits, with environmental responsibility.

The London Luton Airport Development Brief outlines a future form for the airport in which the benefits of its future expansion can be shared between the operating company, the local community, and the travelling public, in an environmentally responsible manner.

8.6 Airports are major generators of local employment and wealth, and growing airports impact positively by providing more jobs, greater economic growth, and continued local investment and partnership.

8.16 Since LLA is located very close to a major conurbation, aircraft noise and its impact on local communities has been, and will continue to be, the most significant environmental impact. Of rising importance are the issues of surface transport; air quality; and ecology. Improvements to these aspects, plus waste and energy

management, emissions to water, air and land, and chemicals handling, are targeted within the LLAOL Environmental Management System (EMS) summarised later.

8.42 The most useful policy element on sustainable development for the Brief is contained in the World Bank definition of 1991, where it is stated that the rate of pollution emission should not exceed the assimilative capacity of the environment.

8.43 This then relates to the previous section on environmental capacity; the non-excedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved.

8.58 Sustainable airport development can be attained by the non-excedence of agreed limits on environmental capacity (under the World Bank definition); and by balancing economic, social and environmental considerations (UK Government strategy for sustainable development).

ENVIRONMENTAL CAPACITY

9.21 The principle of Environmental Capacity is explored in Chapter 8 above and is specifically detailed in terms of noise issues in Appendix B.

9.22 The concept that noise is an issue in terms of sustainable development is being addressed by the Government's Round Table on Sustainability, as one of the environmental concerns that must be considered in balancing the economic, social and environmental effects of development. This suggests that in creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result.

9.23 The principle being adopted by LLAOL is that seeking this balance will be one of the key criteria that will provide the framework for any ES to accompany a future planning application.'

9.27 The use of potential mitigation measures for all forms of noise impacts will be considered in relation to the specific forecast noise impact. Appropriate measures will be proposed directed at addressing any predicted significant impact whilst taking into account the principles of sustainability.'

4.73 The Brief recognises the economic and social benefits of the Airport and its growth. For the reasons set out in paragraphs 4.2-4.3 the potential adverse economic impacts of this proposal have not been robustly assessed, if they exist are considered to be temporary and have arisen as a consequence of the Airport failing to responsibly manage its operations.

4.74 In terms of '*sustainable development …….. the environmental concerns that must be considered in balancing the economic, social and environmental effects of development…….. creating economic or social benefits from a development, such as the expansion of LLA, some environmental burden will result* – that *'balance'* and *'environmental burden'* was established when the original consent was granted. For the reasons set out in paragraphs 4.4-4.7 this proposal would have significant and unacceptable adverse noise impacts upon communities – the environmental burden is unacceptable and would introduce an imbalance in the *'balancing the economic, social and environmental effects of development'*.

4.75 In terms of *'the non-excedence of agreed limits on environmental capacity implies that one component of sustainable development (under the World Bank definition) is thereby achieved'* the noise contours attached to the original consent represent a key element of the *'agreed limits'* attached to the original planning consent. The Brief sees the *'non-excedence'* of limits as one of the components of sustainable development. This planning application proposes to exceed agreed limits and for the reasons set out in paragraphs 4.4-4.7 would have significant and unacceptable adverse noise and health impacts upon communities. It is therefore not consistent the definition of sustainable development within the Brief.

4.76 In terms of introducing '*Appropriate measures …….. directed at addressing any predicted significant impact…..'*, for the reasons set out in paragraphs 4.4-4.7 the proposal would result in significant adverse noise impacts, up to moderate health impacts and cannot effectively mitigate/minimise these impacts. In the absence of effective mitigation, the health impacts potential rise to likely significant adverse health impact.

London Luton Airport Operations Limited Revised Masterplan document Consultation prior to submission of planning application - London's local airport – September 2012 (AMP)

4.77 Paragraphs 9.26 and 9.27 of the AMP state:

'Noise and vibration

9.26 Noise and vibration is a key issue with the majority of aviation developments, particularly where there is residential development in the vicinity of the airport. As discussed in section 3 of this masterplan, LLAOL takes a proactive approach to the monitoring and management of noise associated with airport activities and actively engages with the local community on this issue. An objective of the masterplan development is that the Airport continues to be a good neighbour and the potential changes in the local noise environment have been an important factor in determining the proposed scale of development.

9.27 Whilst there will be increases in the number of flights, the proposed magnitude of this increase will be within acceptable limits. It is also likely that other improvements associated with the development proposals such as the more effective taxiway and dualling of Airport Way will help to reduce noise levels in these areas.

9.28 We understand the impact of night flights on our neighbours and commit to reducing the current proportion of night flights. We will seek to balance the commercial value of operational flexibility against the community disturbance we recognise it can cause, in order to deliver socially as well as environmentally sustainable growth at the Airport.'

4.78 For the reasons set out in paragraph 4.4-4.7 above, the application is considered to be in conflict with paragraph 9.27 of the masterplan in that it would not keep the noise implications of the Airport *'within acceptable limits'* and in not maintaining an appropriate balance between commercial value and community disturbance is not consistent with paragraph 9.28.

Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)

4.79 The NAP states:

'London Luton Airport is committed to being a good neighbour and endeavours to minimise the impact of its operations on local communities. Continued and enhanced consultation with the community is essential so that an appropriate balance can be struck between the socio-economic benefits of airport operations and its environmental impacts. This Noise Action Plan, once adopted by DEFRA, will provide a meaningful framework for London Luton Airport and its Consultative Committee to build upon it's established approach to the proactive management of aircraft noise in and around the airport.'

'Framework for Noise Management

Demand for air travel across the UK is increasing rapidly. In response to increased demand, we are making the biggest investment in LLA's history to transform the airport. The redevelopment of our terminal will bring huge benefits for passengers, but it is vitally important to us that the local community also shares in the success of the airport. At LLA, our aim is always to work constructively with the local community and our partners to strike the right balance between maximising the positive social and economic benefits to the local area and the UK as a whole while minimising the impact of aircraft noise.

Once the current development is complete, LLA will contribute £1.4billion per year to the local economy and £2.3billion nationally. By 2031 we expect to support over 37,700 jobs, which on average pay £11,000 per year more than the national average wage. But we recognise that the airport's growth may give rise to questions about noise levels. LLA already operates under the most stringent noise restrictions of any major UK airport. But we are continually looking to do more. As the airport continues its growth and development, we are evolving our approach to noise management and this can be seen through the development of our Noise Action Plan.'

4.80 The balance to be struck between the economic benefits of growth at the Airport and the management of noise and protection of communities was established when the original planning permission was granted. The NAP commits to the restrictions placed on the planning permission:

'…….This plan details our actions over a five year period (2019-2023) and the policy framework that would support these actions. It is aligned with London Luton Airport's S106 Legal Agreement (2014) with Luton Borough Council which outlines how the airport's operation, growth and environmental impacts will be managed responsibly and laid the foundation of our Noise Action Plan.'

4.81 Key to achieving the balance between the economic benefits of growth and managing adverse environmental impacts was the imposition of a noise contour condition on the planning permission. This NAP contains a commitment in Action ref 3.4:

'We will operate within our agreed contour area limits'

4.82 It also contains a Key Performance Indicator (KP3):

'Population inside 45dBLAeq (8hr) Night time contour – limit and where possible reduce the population within the contour over the course of the action plan.'

4.83 The NAP was developed and submitted to DEFRA under the full knowledge that operations at the Airport were failing to comply with night time noise contour restrictions and that a planning application was in preparation to seek to vary both day and night noise contour areas. The planning application is fundamentally at odds with Action ref 3.4 and KP3 of the Noise Action Plan 2019-2023 approved by DEFRA.

In summary:

4.84 As a matter of principle, for the reasons set out in paragraphs 1.1-1.8 the County Council very strongly objects to this planning application. The original proposal to grow the Airport to 18 mppa weighed up the economic benefits and environmental impacts. The balance achieved resulted in a planning permission incorporating appropriate environmental safeguards required to protect communities against the adverse impacts of noise. Night and day time noise contours are fundamental safeguards. The planning consent is fundamental to the 'Partnership' approach promoted by Government and crucial to offering the certainty to communities that Government expects to secure their health and well-being. The applicant has operated the Airport in the full knowledge that its operations would lead to a breach of the safeguards in the planning consent and its commitment to protect communities from the adverse impacts of growth. The actions of the applicant represent a betrayal of the other partners of the Partnership, particularly communities.

4.85 Notwithstanding this, the County Council is fully aware that every planning application must be considered on its own merits. For the reasons set out above, the County Council is of the view that on balance the planning application is not in accordance with the up to date development plan, with national planning policy and planning practice guidance and with other material policy and guidance. As such the application should be refused.

4.86 The County Council is aware that further information has been sought from the applicant with respect to both the noise and economic implications of the proposal. Assuming the applicant provides additional material and further public consultation follows, the County Council will review its position at that time and respond further as necessary.

Yours sincerely,

Derrick Ashley
Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 2

Hertfordshire County Council response to London Luton Airport Limited - Future LuToN Making best use of our runway Public consultation – 16 October to 16 December 2019

FREEPOST FUTURE LUTON LLAL

Derrick Ashley
County Councillor
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24th December 2019

Dear Sir/Madam,

London Luton Airport Limited - Future LuToN Making best use of our runway
Public consultation – 16 October to 16 December 2019

Thank you for the opportunity to comment on the above and for your extension to the consultation deadline until 24th December.

This County Council response is separate and in addition to the collective response *'Response to Statutory Consultation on behalf of the Host Authorities'* (dated 23rd December 2019) of Central Bedfordshire, Luton, North Hertfordshire and Hertfordshire County councils.

National aviation policy and the Climate Change Act 2008

The consultation material assesses the proposal in terms of its compatibility with existing national aviation policy [Aviation Policy Framework (APF) (2013), Making best use of existing runways (MBUER) (June 2018) and the Airports National Policy Statement (ANPS) (June 2018)] and the carbon budgets set in accordance with the historic Climate Change Act 2008 target of an 80% reduction of greenhouse gas emissions compared to 1990 levels (with the 5th Carbon Budget setting a limit that aviation emissions for the UK being capped at 37.5MtCO_2 in 2050 based on 2005 levels, excluding emissions from international aviation).

The assessment concludes that the increase in carbon emissions resulting from the proposed development is considered (with mitigations in place) not to have a material impact on the ability of Government to meet its carbon reduction targets, including carbon budgets. This conclusion is consistent with that of the Government more generally in terms of the compatibility between policy to make best use of existing

runways/Heathrow third runway and 80% reduction Climate Change Act target and related carbon budgets.

In a joint letter (15th October 2018) to the Committee on Climate Change (CCC) the Governments of the UK, Scotland and Wales requested advice from the Committee on their respective long-term CO_2 emissions targets:

> 1. the date by which the UK should achieve (a) a net zero greenhouse gas target and/or (b) a net zero carbon [dioxide] target in order to contribute to the global ambitions set out in the Paris Agreement.
> 2. whether now is the right time for the UK to set such a target.
> 3. the range which UK greenhouse gas emissions reductions would need to be within, against 1990 levels, by 2050 as an appropriate contribution to the global goal of limiting global warming to well below 2°C" and "towards global efforts to limit the increase to 1.5°C.
> 4. how reductions in line with your recommendations might be delivered in key sectors of the economy.
> 5. the expected costs and benefits across the spectrum of scenarios in comparison to the costs and benefits of meeting the current target.
> 6. updated advice on the long-term emissions targets for Scotland and Wales provided with regards to the respective devolved statutory frameworks on climate change.

In December 2018 Government consulted on its Aviation Green Paper *'Aviation 2050 - The future of UK aviation',* reaffirming Government's commitment to provide additional capacity through the development of a third runway at Heathrow Airport and airports throughout the UK making best use of their existing runways. The Strategy is based on the 80% reduction Climate Change Act target and related planning assumptions. In its response (February 2019) to the consultation the CCC stated that it would write to Government specifically about the implications of its forthcoming net-zero recommendations for the emerging national Aviation Strategy.

> *'The UK's currently legislated 2050 target is to reduce economy-wide greenhouse gas emissions by at least 80% from 1990 levels. Since the Climate Change Act became law, the UK has ratified the Paris Agreement, implying even stronger action. You will be aware that my Committee has been asked by Ministers to offer advice on the implications of the Paris Agreement for the UK's statutory framework, including when 'net-zero' emissions can be achieved. A stronger UK target would require more effort from all sectors, including aviation. We intend to provide an updated view on the appropriate long-term ambition for aviation emissions within our advice on the UK's long term targets. We will publish our report in spring. Following that, we will write to you directly to set out the implications for the Aviation Strategy.'*
>
> *Our present planning assumption, which underpins the fifth carbon budget and the current 2050 target, is that UK aviation emissions in 2050 should be around their 2005 level (i.e. 37.5 $MtCO_2e$). Your acceptance of this planning assumption in the consultation is a very welcome step. The final white paper should further clarify that this will be met on the basis of actual emissions, rather than by relying on international offset credits.*

Aviation emissions in the UK have more than doubled since 1990, while emissions for the economy as a whole have fallen by around 40%. Achieving aviation emissions at or below 2005 levels in 2050 will require contributions from all parts of the aviation sector, including from new technologies and aircraft designs, improved airspace management, airlines' operations, and use of sustainable fuels. It will also require steps to limit growth in demand. In the absence of a true zero-carbon plane, demand cannot continue to grow unfettered over the long-term.'

In May 2019, the CCC published its report (*'Net Zero The UK's contribution to stopping global warming Committee on Climate Change'* May 2019) to the UK Governments. Its overarching recommendation was that the UK should amend its legislation to commit to net zero greenhouse gas emissions by 2050 and in relation to aviation, that this target should include the UK's share of international aviation and be met through domestic action rather than international offset credits – *'This will require immediate steps from Government, industry and the public. Challenges that have not yet been confronted – such as aviation and shipping emissions – must now be addressed'*. *The UK should legislate as soon as possible to reach net-zero greenhouse gas emissions by 2050. The target can be legislated as a 100% reduction in greenhouse gases (GHGs) from 1990 and should cover all sectors of the economy, including international aviation and shipping*.'

'We will set out our recommended policy approach for aviation in follow-up advice to the Government later in 2019……..Reducing emissions from aviation will require a combination of international and domestic polices, and these should be implemented in ways that avoid perverse outcomes (e.g. carbon leakage). A package of policy measures should be put in place that include carbon pricing, support for research, innovation and deployment, and measures to manage growth in demand.'

In May 2019 Parliament declared an environment and climate emergency and in June The Climate Change Act 2008 (2050 Target Amendment) Order 2019 came into force, revising the 2050 GHG target of an 80% reduction of GHG emissions compared to 1990 levels to a net zero carbon target. In July 2019 the County Council joined the ranks of over 200 local authorities across the country in declaring a climate emergency.

In September 2019 the CCC wrote to the Secretary of State for Transport advising that the planning assumption for international aviation should be to achieve net-zero emissions by 2050 and that this should be reflected within the Government's forthcoming Aviation Strategy. To achieve this would require reduction in actual emissions and would be likely to require some use of greenhouse gas removals to offset remaining emissions. Key to reducing emissions will be limiting demand growth to at most 25% above current levels, with potential to reduce emissions further with lower levels of demand. The CCC advises that *'The Government should assess its airport capacity strategy in this context. Specifically, investments will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.'*

All in force and emerging national aviation policy precedes the June 2019 Climate Change Act net-zero declaration/legislation. The Department of Transport has stated that the implications of the declaration/legislation and the CCC's recommended policy approach to aviation will be taken into account in further developing is aviation policy

through the Aviation 2050 process. It has also stated that it will provide advice and a recommendation to the Secretary of State on whether the statutory criteria for a review of part or all of the Aviation National Policy Statement (the Government's national planning policy commitment to Heathrow third runway) are met and whether or not it is appropriate to carry out such a review.

In its *'Leading on Clean Growth - The Government Response to the Committee on Climate Change's 2019 Progress Report to Parliament – Reducing UK emissions'* (October 2019), Government has stated that it will publish an ambitious Aviation Strategy next year and in doing so will *'continue to consider the implications of our 2050 net zero target……..'*.

The consultation material states that the revised carbon legislation has not been specifically addressed in the greenhouse gas assessment *'due to the timing of its introduction into UK law'*, but recognises that *'this is a significant piece of legislation that will have an impact on the Proposed Development and as such will be further considered in the ES. Our assessment of greenhouse gas emissions will continue to be updated to consider the latest proposals and the developing government policy on the net-zero carbon target'*.

It is clear that a state of considerable national uncertainty exists regarding the relationship between the Government's net zero declaration/legislation and the implications this has for both existing national aviation policy and its emerging Aviation Strategy.

Government has been called upon to intervene and restrict the grant of planning permission for aviation growth-related planning applications until new national aviation policy is in place.

Given the current programmed timeframe for the Development Consent Order (DCO) process, new national aviation policy should be in place and therefore national uncertainty resolved by the time a decision is made. However, should this prove not to be the case the County Council is strongly of the view that the proposed project timeframe should be reprogrammed to ensure that any decision is made in the context of new Government aviation policy, when published. Only in these circumstances can a properly informed and robust decision be made.

The need for substantive further technical work and engagement with the host authorities and other partners/Scope for further public consultation

The County Council appreciates that the scheme is still within its development stages – further evidence and material to support it is not yet available. The Planning Inspectorate's *'Advice Note two: The role of local authorities in the development consent process'* states the following:

> *'Engaging in developer consultation*
>
> *6.1 Local authorities are able to influence the preparation of the developer's application. The preparation of the application will be an iterative process which means that the amount of detail should increase as the preparation proceeds.*

6.2 Local authorities should engage proactively with a developer even if they disagree with the proposal in principle. It is important to recognise that a local authority is not the decision maker but will want to contribute towards the development of the emerging proposals with the benefit of their detailed local knowledge. Local authorities are not undermining any 'in principle' objections to a scheme by engaging with a developer at the pre-application stage.

6.3 Nothing is to be gained by disengaging from the pre-application consultation process. It is in a local authority's own interests to engage in shaping a scheme. Once an application has been submitted it cannot be changed to the extent that it would be a materially different application, so as to constitute a new application. It is therefore important for local authorities to put any fundamental points to the developer during the pre-application stage.'

Government guidance '*Planning Act 2008: Guidance on the pre-application process*' states the following:

'The pre-application consultation process

15. Pre-application consultation is a key requirement for applications for Development Consent Orders for major infrastructure projects. Effective preapplication consultation will lead to applications which are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible in advance of submission of the application to the Secretary of State. This in turn will allow for shorter and more efficient examinations.

16. The Planning Act regime provides the ability to anyone interested in or affected by a major infrastructure proposal to both object in-principle to a proposed scheme and at the same time suggest amendments to design out unwelcome features of a proposal. Engaging in a developer's preapplication consultation including for example offering constructive mitigations to reduce a scheme's impact on the local community, does not per se undermine any submission on the principle of whether or not development consent should be granted.

18. Early involvement of local communities, local authorities and statutory consultees can bring about significant benefits for all parties, by:

- *helping the applicant identify and resolve issues at the earliest stage, which can reduce the overall risk to the project further down the line as it becomes more difficult to make changes once an application has been submitted;*
- *enabling members of the public to influence proposed projects, feedback on potential options, and encouraging the community to help shape the proposal to maximise local benefits and minimise any downsides;*
- *helping local people understand the potential nature and local impact of the proposed project, with the potential to dispel misapprehensions at an early stage;*
- *enabling applicants to obtain important information about the economic, social and environmental impacts of a scheme from consultees, which can help rule out unsuitable options;*

- *enabling potential mitigating measures to be considered and, if appropriate, built into the project before an application is submitted; and*
- *identifying ways in which the project could, without significant costs to promoters, support wider strategic or local objectives.*

19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.'

It is within this context that the County Council is engaging with you on your proposal. You will be aware of the resources the County Council and other host authorities have committed to the process to date and, in relation to this consultation, the commissioning of specialist independent technical advice. That advice, the views of the host authorities articulated in their collective response and the responses of the individual hosts will hopefully provide a positive platform from which to further engage over the coming months in shaping the scheme in preparation for the further stages of the DCO process to come.

As the host authority collective response indicates, in some areas considerable further evidence and engagement is required. In particular, the County Council will expect there to be a substantive focus on noise - (including the rationale for why a ban on night flights is not being considered), surface access impacts in Hertfordshire and mitigations (the impacts on the network and potential mitigations required, for all modes, are currently not satisfactorily evidenced and explored), employment and skills strategy (which is not yet even in draft form), bringing forward a comprehensive monitoring, mitigation and compensation strategy [including exploring how to apply the principles of environmentally managed growth (growth conditional upon environmental and other limits/targets/parameters being met) and unforeseen local impacts mitigation]; the scale, geographic scope and proposed operating mechanisms of the proposed FIRST scheme; air quality (aircraft and road traffic-related), specific analysis as to how the scheme in terms of its development/design/mitigation will minimise the impact on the aim and purposes of the Green Belt; the purpose and future management of the Wigmore Valley Park and associated open space, etc.

In relation to surface access, the *'Response to Scoping Report on behalf of the Host Authorities'* highlighted concerns in relation to the Hertfordshire road network relating to the A505 (Hitchin), the A1081 (Harpenden), B653 (Wheathampstead), A602 (Hitchin to Stevenage), M1 and A1(M) junctions, the heavily trafficked Hitchin routes (the A505, A600 and A602), and the rural roads around Breachwood Green. It also identified the need for bus and coach service improvements to bring passengers and staff to the airport from areas not linked directly to Luton by rail (for example east-west in Hertfordshire, from Stevenage, Hitchin, Welwyn Garden City, Hatfield, Hemel Hempstead and Watford). Such improvements would be important mitigation and at present remain under-developed. In terms of rail, the impact on passengers travelling from St Albans and Harpenden, particularly commuters in the peak, is not reflected in the Surface Access Strategy. There is mention that there will be insufficient seats for

passengers getting on at Luton Parkway, but it fails to acknowledge that this means less or no seats from stations south. Considerable further technical work is required in relation to the surface access implications of the proposal on the Hertfordshire networks.

The County Council is strongly of the view that, moving forward, there needs to be a step-change in the level of technical engagement and that serious consideration needs to be given to appropriately informed political processes.

The majority, if not all, of the evidence and material identified as required by the host authorities will also be of interest to other local authorities, other parties and to communities. Given the scale of this material and evidence still to be compiled to underpin the scheme and to address its impacts, there would appear to be a strong case, within the spirit of national guidance, for a further period of statutory consultation to be programmed into the DCO process. The purpose of such further consultation would be to engage parties more meaningfully with a more advanced scheme.

The County Council's position

You will be aware that recent history of operations at London Luton Airport, from a Hertfordshire perspective, has been one that could hardly be more negative. Unmanaged accelerated growth at the Airport has proceeded in the full knowledge that restrictions on operations to safeguard communities from adverse noise impacts would be compromised. Breaches of planning control have occurred, are occurring and are predicted to continue to do so. There is a current live planning application seeking planning permission to, in effect, authorise those breaches for a temporary period of 5 years. Meanwhile, airspace change processes continue to seek to address the adverse noise impacts of an airspace change brought into effect in 2015 – impacts exacerbated by the mismanagement of recent accelerated growth. On top of this, communities are now expecting a planning application to raise the consented passenger throughput cap from 18 mppa to 19 mppa - again, because the Airport has mismanaged growth.

The consultation material states:

'Since the conclusion of our first round of consultation, we have published our Sustainability Strategy. This sets out a range of targets over the medium and long term. We will work with the airport operator, London Luton Airport Operations Limited (LLAOL), to deliver against the targets. Our aims are to be a better neighbour, protect our planet, and enable growth and support for our future communities.'

Whilst the commitment to be a better neighbour is welcomed, Hertfordshire communities do not consider London Luton Airport to be a good, considerate, neighbour. The County Council has every sympathy with that view.

Unless and until there is evidence to demonstrate, and mechanisms to ensure, that the Airport can grow and be operated in a responsible manner, in the spirit of the Government's aspiration for a partnership for sustainable growth set out in Aviation 2050, which contains its environmental impacts to within prescribed acceptable and agreed limits that are enforceable, can achieve an overall betterment in the amenity and health of the communities impacted by it – both immediate and further afield, and can adequately provide for the surface access needs required of it, the County Council

has an in-principle objection to growth of the Airport. This evidence does not currently exist.

Yours sincerely,

Derrick Ashley
Executive Member for Growth, Infrastructure, Planning and the Economy

Appendix 3

Comments on the consultation material

Consultation Document

'Introduction

……..

'To ensure the airport continues to thrive we are preparing for a period of recovery from the impacts of the COVID-19 pandemic. For us to do this we need to ensure that we accommodate the need for future growth. An important step will be increasing the airport's capacity from 18 to 19mppa. This is a key element of our strategy for recovery and future growth and will help to support the local, regional and national economy as air traffic movements become more frequent. If we do not plan for growth now we will limit our ability to play our part in the UK's economic recovery.

To achieve this, we must submit a planning application to Luton Council. Before we do this, we want to hear your views on our emerging proposals.'

A3.1 Government policy within the APF states:

*'**Airport master plans***

4.11 Currently over 30 airports across the UK have adopted master plans. They do not have a statutory basis, but the primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning processes. They also provide transparency and aid long-term planning for other businesses.

…….

4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. Airport operators should notify the DfT or Devolved Administration when plans are revised, and highlight any material changes. Airport operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area.'

A3.2 LLA will be aware that Luton Local Plan Policy LLP6 states:

*'**Policy LLP6 - London Luton Airport Strategic Allocation***

Airport Expansion

B. Proposals for expansion of the airport and its operation, together with any associated surface access improvements, will be assessed against the Local Plan policies as a whole taking account of the wider sub-regional impact of the

airport. Proposals for development will only be supported where the following criteria are met, where applicable/ appropriate having regard to the nature and scale of such proposals:
……..

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;
……..'

A3.3 The consultation is not as clear as it should be on the relationship between and the timing of the master plan and planning application processes. The normal course of events is for an airport to consult widely upon its direction of future operations and growth set out in a draft master plan. The approved/published master plan then forms the framework within which an airport moves forward, including the submission of planning applications for growth. Indeed, this is what happened in the last master plan/planning application cycle at LLA.

A3.4 There is currently no in-force LBC-approved master plan that provides for growth of LLA to 19 mppa. Without this, any future planning application will inevitably be in conflict with the development plan.

A3.5 Moving forward there needs to be a much greater degree of transparency on the process for 'approval/publication' of the master plan and the relationship of that process to the proposed end of 2020 timeframe for submission of a planning application.

'Background

London Luton Airport today'

A3.6 There is no reference to the consequences of mis-management of growth at LLA that has resulted in breaches of noise controls. Moving forward, the master plan and any planning application need to acknowledge this as it is a critical factor in relation to the degree of confidence that exists that LLA is able to manage its activities responsibly and that it is committed and willing to operate in a manner that respects regulatory controls and its commitments to protecting communities. LLA cannot simply ignore the problems it has created.

'Planning for the future

Before the COVID-19 pandemic, passenger numbers at the airport had increased every year for the last four years. This rate of increase was much faster than we expected and meant that the airport was operating close to its 18mppa capacity in late 2019.'

A3.7 This section contains no intelligence on the environmental implications of this accelerated growth, the breaches in planning control that have occurred and the proposal to seek to relax the environmental restrictions put in place by the 2014 planning consent.

'Community Benefits

Local benefits

London Luton Airport contributes more than £1.1 billion…….'

A3.8 Doesn't mean anything as a statement – the sentence needs completing.

'Enabling growth to 19mppa

The planning process

Our proposals to increase passenger capacity will involve the submission of a planning application to Luton Council.

Before we submit our application, we would like to hear your views. Your comments will help shape our proposals before we submit them. Details of how to respond are set out in the Have your say section.'

A3.9 See above in relation to clarification of the role of the proposed master plan. 'The Planning process' section could usefully have been preceded by a section 'The master plan process'.

'Our proposals

We have developed a Master Plan to serve as a framework to guide the increase of the airport's capacity to 19mppa. The Master Plan is presented in a separate document which provides the results of the analyses undertaken as part of the Master Plan assessment.'

A3.10 See above in relation to clarification of the role of the proposed master plan.

'This application will seek to vary existing conditions attached to the planning permission which granted consent in 2012 for the airport to operate up to 18mppa.'

A3.11 The planning permission was granted in 2014, not 2012.

'Due to factors outside of the airport's control, passenger numbers cannot be increased to 19mppa in line with the current wording of Condition 10. This is due to the number of passengers growing more quickly than originally forecast and the introduction of next generation quieter aircraft not becoming available in line with passenger growth.' (page 12)

A3.12 See A3.6 in relation to LLA's mismanagement operations.

'Aviation strategy and government policy

On 5 June 2018 the Government confirmed its support for UK airports making best use of their existing runways. This policy statement is set out in the Government's publication 'Beyond the horizon – The future of UK aviation – Making best use of existing runways'.

A3.13 No reference is made here to the process by Government of a complete overhaul of national aviation policy through the Aviation 2050 process.

> ***'There are three Air Quality Management Areas (AQMAs) within the Borough of Luton. The AQMAs cover part of Luton town centre, approximately 2km west of the runway, and locations around the M1 motorway near Junction 11, approximately 6km west of the airport.' (Page 15)***

A3.14 There are other AQMAs in the wider sub-region, including Stevenage Road and Payne's Park roundabout, Hitchin.

> ***'For those emissions that we are only able to influence, we are proposing the following mitigation to support an overall reduction in GHG emissions from all sources in the period to 2028:***

- ***A travel plan has been produced, which sets out actions to help achieve reductions in emissions from surface access.***
- ***Incentivising airlines to reduce aircraft emissions through the use of more modern aircraft.' (Page 16)***

A3.15 Further details required on proposed incentives and the travel plan and these need to be released and used to inform the master plan preparation process.

> ***'Findings***
>
> ***The health assessment is currently in its preliminary stages. Effects on human health resulting from air quality, climate change, and traffic and transport are anticipated to be limited. However, based on preliminary information on the potential changes to the noise environment and the public health evidence, effects on human health from noise cannot be ruled out and will require further assessment.' (Page 17)***

A3.16 There needs to be substantive engagement with health agencies in developing the HIA and it should be available to inform the master plan preparation process.

> ***'Noise***
>
> ***The assumptions made in the assessment have proven to be optimistic in terms of aircraft modernisation and pessimistic in terms of demand. As a result, the reductions expected in noise levels at the time of the previous application have not been forthcoming to the extent envisaged.' (Page 18)***

A3.17 There are paragraphs missing here relating to mis-management of operations, breaches of planning control, the s73 planning application, etc. The dates of these should be placed on the timeline graphic, with appropriate annotations.

> ***'Findings of the Assessment***
>
> ***The initial conclusions of the noise assessment are that whilst no significant effects would be predicted in either 2021 or 2028, additional***

properties would experience noise above the SOAEL as a result of the proposed increase in passenger numbers.' (Page 19)

A3.18 Noise assessment needs to be released to inform the master plan preparation process.

'To mitigate this effect, we are proposing the following operational measures:

- ***Restrictions on daytime and night-time flights based on a reduced quota.***
- ***Restrictions on non-emergency flights during the night-time.***
- ***Charging to incentivise the use of modern aircraft.***

The following compensatory measures are also proposed:

- ***An enhanced noise insulation fund, to increase protection of properties.***
- ***One off grants to local councils to provide community improvements.'***

A3.19 Further details required and see A3.26.

'Findings of Assessment

The transport assessment shows……..' (Page 20)

A3.20 Transport Assessment needs to be released and used to inform the master plan preparation process.

'However, this increase will be small and will only result in a small increase in vehicle movements during peak periods of the day. This increase can be accommodated without causing any significant negative impacts on the capacity of the existing transport network.

Given the increase in the use of public transport by airport colleagues over the last decade, more ambitious sustainable mode share targets have been set. These are presented in our Travel Plan. The introduction of the Luton DART in 2021 will have a further positive effect on the number of colleagues and passengers using public transport.

No new parking spaces are proposed to accommodate the increase in passengers. The existing available parking will be managed with controlled capacity and pricing through the ASAS and Car Parking Management Plan.'

A3.21 Travel Plan and Car Parking Management Plan need to be released and used to inform the master plan preparation process.

Growing Sustainably (Page 21)

A3.22 Should this section refer to noise?

Environmental Impact Assessment Progress Report

'1.1.13 It is proposed that variation to Condition 24 is as follows (variations to the existing condition are noted in red bold text, with the text to be replaced shown as strikethrough):

"The Passenger and Staff Travel Plan shall be implemented in accordance with the details approved on 23 September 2015 (re: 15/00761/DOC) to accommodate up to 18 million passengers per annum.

Beyond the passenger throughput of 18 million passengers per annum, the Travel Plan shall be complied with to accommodate up to 19 million passengers per annum.""

A3.23 Later, the EIA Progress report states:

'8.1.1 To carry out an assessment of the transport related impacts of an increase in passenger numbers three main documents were prepared to support the Project, these are a Transport Assessment (TA), a Travel Plan (TP) and a Car Parking Management Plan (CPMP).

8.1.3 The TP has been developed with the objective of reviewing the latest Airport Surface Access Strategy Report (ASAS) 2018 - 2022 (2019 Reissue) and updating objectives, targets and measures based on a policy appraisal and site assessment. This analysis has been translated into a concrete action plan to be monitored periodically.'

A3.24 A new/revised Travel Plan and Car Parking Management Plan have been/are being produced, to which the proposed revisions to Condition 22 and 24 refer. The reference to 'Car Parking Management Plan' and 'Travel Plan' in the proposed new wording to Conditions 22 and 24 presumably relate to these new Plans, and as a consequence will need to be referenced and dated (unless the intention is to manage 19 mppa documentation entirely through revisions to Condition 28).

A3.25 The consultation material refers to a *'Noise Assessment'* that *'identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL.'*. These are:

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- *increase the contribution to the Noise Insulation Fund*
- *The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and*
- *One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.*

6.2.15 In addition the following commitments will be made as part of the proposed variation to noise planning conditions

- *For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;*
- *No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);*
- *No "non-emergency" Diverted Flights will be accepted;*
- *New airline / aircraft slots at night not to exceed QC 0.5; and*
- *Differential charging will be implemented to incentivise the rapid modernisation of fleet.'*

[Draft Masterplan]

A3.26 These measures appear to differ from/add to the contents of Condition 9 of planning permission and the Noise Control Scheme which is the subject of that Condition. This raises the question as to whether a revised or rejuvenated Noise Control Scheme is required and as a consequence, whether planning permission should be sought to vary Condition 9.

'4.1.6 LBC has identified two main areas where NO2 concentrations exceed, or are likely to exceed, the annual mean AQO of 40 µg m−3. As a result, these areas have been declared as Air Quality Management Areas (AQMAs). They are:

- ***along the length of the M1 Motorway; and***
- ***along the A505 (Dunstable Road) in part of Bury Park and the Town Centre.***

4.1.7 Elsewhere in Luton, concentrations of NO2 are below the AQO.'

A3.27 Moving forward the EIA process should pick up AQMA's in the wider sub-region, where these are associated with road traffic on routes used for Airport access - Stevenage Road and Payne's Park roundabout, Hitchin (both of which involve nitrogen dioxide was being measured at concentrations above the standard set to be protective of human health).

'4.2.2 Two future scenarios have been assessed:

- ***the year 2024 assuming the airport remains capped at 18 mppa; and***
- ***the year 2024 assuming the airport grows to 19 mppa.'***

A3.28 The assessment should be released and used to inform the master plan preparation process.

'5.3.9 The only receptor for the climate change assessment…..'

A3.29 The climate change assessment should be released and used to inform the master plan preparation process.

'Surface access emissions

5.5.3 The Travel Plan sets out objectives and targets with a series of measures around the promotion of walking, cycling, use of public transport and reducing single car occupancy for both passengers and

staff. The Surface Access Strategy includes the following targets which are embedded into the climate change assessment:

- ***passengers travelling to and from the airport by rail will increase from 21 % in 2019 to 24 % in the 19 mppa scenario by 2022;***
- ***staff travelling to and from the airport by Single Occupancy Vehicles (SOVs) will reduce from 66 % in 2019 to 64 % in the 19 mppa scenario by 2022; and***
- ***increase employee travel by sustainable modes of transport including increasing staff travelling to and from the airport by rail from 7 % to 9 % in the 19 mppa scenario by 2022 and by bus and coach from 9 % to 11 % in the 19 mppa scenario by 2022.'***

A3.30 The highway authorities need to be consulted/engaged in the Travel Plan and it needs to be released and used to inform the master plan preparation process.

'6.1.1 As part of the EIA process an assessment of human health effects is being undertaken to understand the potential health and wellbeing effects that the proposed variations to Conditions 8 and 10 may have on the surrounding community, including those along flightpaths and major roads to and from LLA. This assessment of human health effects follows a health impact assessment (HIA) methodology.'

A3.31 The health effects assessment should be released and used to inform the master plan preparation process.

'Planning policy context

6.3.5 There are a number of policies and guidance at the international, national, and local level. Planning policy related to human health is outlined in Table 8.1.'

A3.32 Sections 4, 5, 7 and 8 do not appear to have a taken a similar approach to summarising the key policy context for their topics.

'6.4 Initial findings

6.4.1 At this stage, based on preliminary information on the potential changes in the noise environment associated with the Project, and the public health evidence on the potential for these changes to have adverse effects on human health, potential significant effects on human health are judged to be plausible and likely and will be considered for further assessment.

6.4.2 The information that is available on the potential air quality, climate change, and traffic and transport effects associated with the Project, and the potential for these to cause associated effects on human health is currently limited. Therefore, it does not yet allow for a robust conclusion to be reached on whether the related effects on human health are, or are not, likely to be significant. As such, these potential effects on human health are, at this stage, taken forward for further assessment. As further information becomes available from the other environmental topic

assessments, a decision will be made on whether associated health effects are to be assessed as part of the EIA or to be scoped out.'

A3.33 There needs to be substantive engagement with health agencies in developing the HIA.

'7.1.1 ……..Noise modelling and assessments are currently being undertaken to analyse the effects of increased passenger numbers, a methodology and initial results of which follows.'

'7.2.1 Initial assessments have been undertaken to review likely effects from the proposed passenger increase associated with the Project……'

A3.34 Noise modelling and assessments should be made available as soon as possible and used to inform the master plan preparation process.

'7.5.1 Luton Airport has an established programme of noise mitigation to minimise noise emissions, and any resulting effects, as part of its obligations to meet the requirements within the Environmental Noise (England) Regulations. These mitigation measures will be enhanced to include residences newly predicted to be in areas with noise levels above the SOAEL.'

A3.35 7.4 Initial findings doesn't say anything about addition SAOEL.

'7.5.3 Mitigation will also include compensatory measures as follows:

- ***an enhanced Noise Insulation Fund to provide additional attenuating measures to increase protection of residences internal noise environments; and***
- ***one-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the predicted future noise contours. Grants are to be used to provide community improvements.'***

A3.36 Further details on these measures required to inform the master plan preparation process.

'8.1.1 To carry out an assessment of the transport related impacts of an increase in passenger numbers three main documents were prepared to support the Project, these are a Transport Assessment (TA), a Travel Plan (TP) and a Car Parking Management Plan (CPMP).'

A3.37 The TA, TP and CPMP should be released and used to inform the master plan preparation process.

'8.5.1 From the analysis carried out it can be concluded that the net increases in total flows (passengers and employees) will not cause significant effects in terms of network operational capacity. This is based on our knowledge of the network and traffic flow thresholds which are likely to have a significant impact on its capacity. It has been agreed with HE and LBC that this level of traffic flow increase is not significant enough

to warrant any further traffic modelling at this stage. Thus, it is concluded that the highway network will not show any significant change from the 18 mppa at a 2024 design year level.'

A3.38 The assumptions that underpin this agreement need to be clearly set out (presumably in the Transport Assessment) and made available.

'8.5.2 It is extremely encouraging that the airport has already met its key primary sustainable transport targets that were originally set for 2022 in 2019, three years ahead of schedule. As such the latest results have been used to set new stretching TP objectives and targets focusing around three key areas: reduction in private car travel, increase in sustainable travel and a focus on reducing carbon emissions derived from surface access to the airport.'

A3.39 What are the new stretching TP objectives and targets? These need to be available and used to inform and be integrated with, as appropriate, the master plan preparation process.

'9. EIA process: next steps

9.1.1 EIA process is on-going, we are currently carrying out the 'Impact Assessment' of the 'Environmental Assessment and Evaluation' stage (see Graphic 1.1). Next, we will take on-board the responses attained through this consultation. In doing so, your comments and concerns will shape the 'Impact Assessment' and 'Mitigation' put forward to avoid, reduce, and minimise any adverse effects of the Project.'

A3.40 The EIA process and indeed the process as a whole, including master plan and planning application preparation would benefit from sharing of all assessments and evidence as soon as possible with key stakeholders.

MASTERPLAN

'EXECUTIVE SUMMARY

IDOM Consulting, Engineering, Architecture, SAU (IDOM) has been appointed by London Luton Airport Operations Limited (LLAOL) to develop a Master Plan for London Luton Airport in connection with the planning application under the Town and Country Planning Act (TCPA) to increase capacity at the airport to 19 million passengers per annum (mppa). In light of the COVID-19 pandemic, it is anticipated that the 19mppa traffic horizon will be reached around 2024 ("planning horizon").'

A3.41 A master plan should provide a framework for a future planning application, not be *'in connection with'*. This is more accurate (third paragraph in the summary):

'This Master Plan is intended to serve as a framework for guiding the short-term development of the airport to increase its capacity from 18 million annual passengers to 19 million annual passengers.'

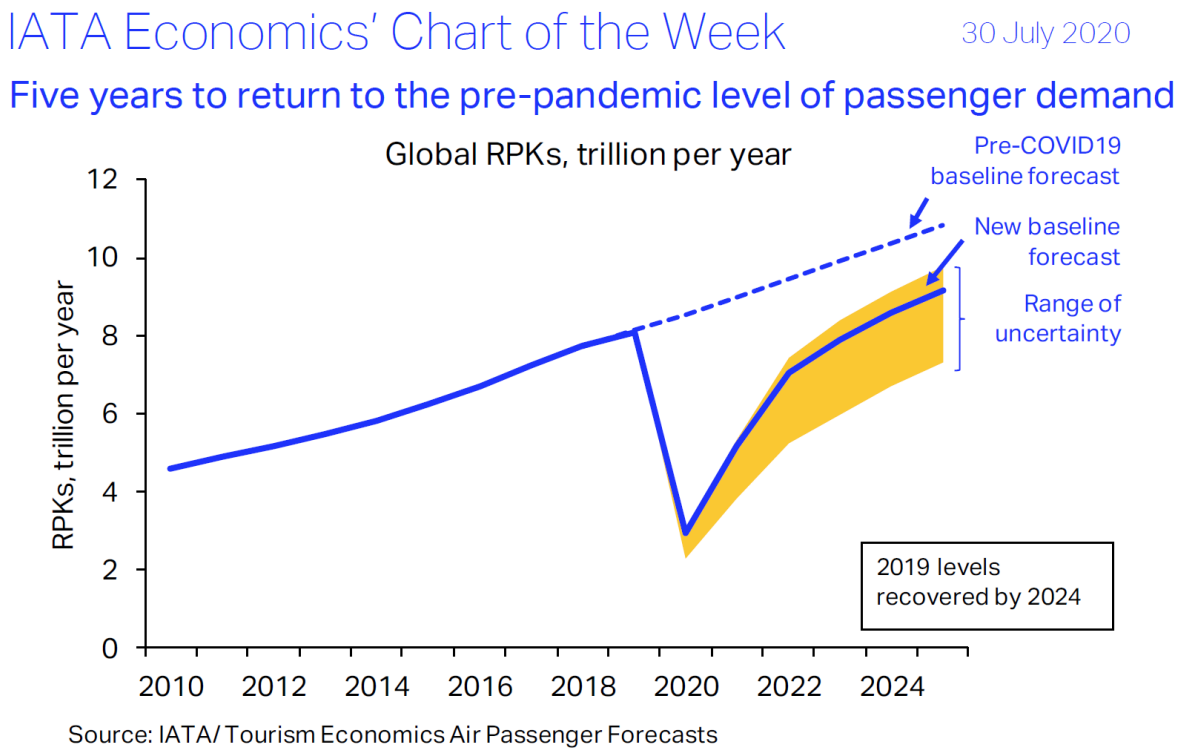
'0.1 Forecast

0.1.1 Due to the short-term nature of the Master Plan…….'

A3.42 It is not a short term masterplan – it provides the framework for the future of LLA at a proposed elevated capacity (subject of course to Government expectations that master plans be reviewed every 5 years).

'In accordance with industry expectations and current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be achieved around 2024.'

A3.43 The consultation material provides little background intelligence about these *'industry expectations'* and, importantly, whether and to what extent they are considered plausible by the Department for Transport and compatible with any new national aviation forecasts it may be undertaking to inform the national aviation strategy process. As we know, IATA takes the view that traffic will not return to pre-COVID levels before 2024 (not 2023 assumed within these proposals), and this is view sits within a significant range of uncertainty – *'upside could see travel demand return to 2019 levels in 2023, while the downside could be much more severe'*. The downside forecast indicates that in 2024 recovery will only be at 2015 levels globally.



A3.44 Similarly, Eurocontrol's latest five-year forecast offers three scenarios for recovery from Covid-19:

- a most-optimistic forecast of a recovery to 2019 levels by 2024 assumes a vaccine is widely made available for travellers by summer 2021.
- should a vaccine only be widely available, or the pandemic end, by summer 2022, a recovery to 2019 levels may be pushed back to 2026.
- a worst-case scenario that there is no effective vaccine and the infection lingers suggests recovery could be delayed until 2029.

A3.45 Despite recent Government announcements in relation to vaccine availability and deployment, there are significant further stages to come and considerable uncertainty exists in relation to the speed with which widespread access to and roll out a vaccine could be achieved. Moving forward there needs to be greater clarity on the reasons why LLA feels an optimistic scenario should be applied to growth of throughput.

'1.1 Need for a masterplan'

A3.46 There is no reference in this section to the existing master plan for LLA. The main reason there is a 'need for a masterplan' is that the current master plan only provides for growth to 18 mppa, and so a revised or new master plan is required.

A3.47 No reference is made to APF expectations that:

'Airport master plans

4.11 Currently over 30 airports across the UK have adopted master plans. They do not have a statutory basis, but the primary objective of master plans is to provide a clear statement of intent on the part of an airport operator to enable future development of the airport to be given due consideration in local planning

processes. They also provide transparency and aid long-term planning for other businesses.

…….

4.13 Government also recommends that airport operators consult on proposed changes to master plans, and engage more widely with local communities prior to publication, for example liaising more closely with local authorities and also through drop-in sessions and public meetings. Airport operators should notify the DfT or Devolved Administration when plans are revised, and highlight any material changes. Airport operators are also encouraged to advertise the publication of any revisions to their plans widely in their local area.'

A3.48 So there is a need for a new master plan because it is a Government expectation.

A3.49 No reference is made to Luton Local Plan LLP6. LLP6 requires any growth proposals to be in accordance with a master plan produced by LLA and adopted by Luton Borough Council. LLP6 generates a need for the production of a master plan.

'1.2.2 It is important to note that a Master Plan is intended to serve as an airport short-term development guide and not as a design or implementation programme.'

A3.50 It is not a short term master plan – it provides the framework for the future of LLA at a proposed elevated capacity (subject of course to Government expectations that master plans be reviewed every 5 years).

'2.3.3 Based on industry expectations and on current pandemic situation, it is expected that the airport will recover to the 18mppa traffic horizon around 2023 and the 19mppa traffic horizon will be around 2024.'

A3.51 See paragraph A3.38-39 above.

'Figure 2.14 and 2.19'

A3.52 '2.19' should read '2.15'.

'2.6 Potential Changes in Activity

2.6.1 This study has been finished in the middle of the COVID-19 outbreak. Despite this being an unprecedented situation in the aviation history where considered relevant, consideration has been given in the Master Plan to the impact on traffic scenarios based on current pandemic situation and industry expectations. However, it should be noted this forecast is dependent on the evolution of the pandemic.'
'5.2.5 LLAOL has commissioned Wood to undertake a Noise Impact Assessment for the expansion to 19 mppa. The increase in total passengers from the currently permitted 18 mppa to 19 mppa can be achieved with only very modest increase in the number of annual air traffic movements (ATM) The increase in passenger numbers can be achieved by the combined effects of increasing the occupancy levels of

flights currently operated and by migration in the average passenger capacity of flights by adoption of large aircraft.'

'5.2.10 The Noise Assessment considers the impacts of the increase from consented 18 mppa to 19 mppa with respects to various receivers. It concludes that there is a negligible impact at receptors so additional significant adverse effects are not identified as a result of magnitude of change in noise level.'

A3.53 The Noise Impact Assessment should be released and used to inform the master plan preparation process.

'5.3.2 An Air Quality Assessment has been produced by Wood. The assessment considers the forecast effects of the development on the emissions from operations at the airport.'

A3.54 The Air Quality Assessment should be released and used to inform the master plan preparation process.

'5.5.2 A Greenhouse Gas Assessment has been undertaken by Wood. The assessment shows that in all cases modelled the largest contribution to greenhouse gas emissions is from air traffic. Surface transport accounts for the next largest contribution.'

A3.55 The Greenhouse Gas Assessment should be released and used to inform the master plan preparation process.

'6.2.2 Noise generation and impact is strictly controlled by the planning permissions under which the airport operates.'

A3.56 But LLA operations have breached the controls put in place by the 2014 18 mppa planning consent and there is a live planning application to have these controls relaxed. See A3.17 above.

'6.2.13 The Noise Assessment identifies a number of specific mitigation measures which are recommended as a result of the increase in the number of properties exposed to noise at levels in excess of the SOAEL.'

A3.57 Noise Assessment should be released and used to inform the master plan preparation process.

'6.2.14 In order to achieve this, LLAOL will enhance its existing noise mitigation measure as follows:

- ***increase the contribution to the Noise Insulation Fund***
- ***The cost of insulation is given to the dwellings with highest noise levels as priority, and the increase in funding of the scheme will allow dwellings to receive insulation at an accelerated rate; and***
- ***One-off grants to local councils exposed to noise levels between LOAEL and SOAEL based on the forecasted noise contours. Grants are to be used to provide community improvements.'***

A3.58 Details should be provided and used to inform the master plan preparation process.

> ***'6.2.15 In addition the following commitments will be made as part of the proposed variation to noise planning conditions proposed variation to noise planning conditions***
> - ***For Summer 2020 and all subsequent seasons, no night-time (23:30 to 07:00) slots will be allocated to aircraft with a value greater than QC1;***
> - ***No further day time slots will be allocated to aircraft greater than QC1 (06:00-21:59 GMT 1st June – 30th September);***
> - ***No "non-emergency" Diverted Flights will be accepted;***
> - ***New airline / aircraft slots at night not to exceed QC 0.5; and***
> - ***Differential charging will be implemented to incentivise the rapid modernisation of fleet.'***

A3.59 Clarification is required on the extent to which these commitments amend/add to those that are embedded within the consent regime and whether they prompt a requirement to vary Condition 9 of the 2014 18 mppa consent.

> *'6.3.1 The increase in maximum capacity of passengers from 18 mppa to 19 mppa, whist modest in percentage terms, may entail an increase in road transport related air emissions and it will be necessary to undertake a detailed assessment of the likely impact of this when the formal planning application is made.'*

A3.60 There needs to be some degree of certainty/provision of evidence with regard to emissions to inform the master plan preparation process.

> ***'6.3.3 Other mitigation measures available will include:***
> - ***Preparation of a travel plan; and***
> - ***Financial incentives and/or penalties to encourage sustainable means of transport.'***

A3.61 The Travel Plan and proposed incentives/penalties need to be released and used to inform the master plan preparation process.

Appendix 4

Hertfordshire County Council response to application to discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

Manager
Development Control
Luton Council
Town Hall
George Street
Luton
Bedfordshire
LU1 2BQ

County Hall
Postal Point: CH216
Pegs Lane
Hertford
SG13 8DE

Tel: 01992 556289

email: paul.donovan@hertfordshire.gov.uk

Date: 28th February 2020

Dear Sir/Madam,

20/00131/DOC - Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL - Variation of Condition 11 (i) - Noise violation limits. - Discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

1. Thank you for the opportunity to comment on the above. The following are officer comments only.

2. The original planning application was approved on the basis that growth in throughput would be accompanied by a range of safeguards to manage the noise impacts arising from the proposal and protect communities. This is clear from the following extracts from the report to Committee dated 20th December 2013 (text highlighted ***thus***):

> *'95. ……... The timescales for the introduction of new aircraft (fleet modernisation) is to be secured both through condition and S106 Agreement attached to any permission.*
>
> *110. An independent assessment of the ES in respect of the Noise implications of the development was carried out for LBC by Cole Jarman Ltd, Noise Consultants, and in so far as airborne aircraft noise is concerned there are no significant reservations about the methodology employed in the ES to quantify the expected noise levels. In numerical terms it was considered that the*

contours and footprints presented in the ES reasonably reflect the expected noise impact. However, in interpreting the findings it was considered that the following factors needed to be considered:

……...

- *Controlling the noise impact to the levels indicated for 2028 requires that a substantial part of the airline fleet is changed to modern, low noise variants of types currently operating.* ***The primary mechanism put forward by the applicant for ensuring that this will happen is by way of a condition limiting the extent of key daytime and night time aggregated noise contours****.*

- *Current Government Policy in respect of aircraft noise is contained in the APF published in March 2013. This states that „Our overall objective on noise is to limit and where possible reduce the number of people in the UK significantly affected by aircraft noise." The predicted future noise impact with the development in place would be greater than that assessed as prevailing at the present time. One consequence of this finding is that the number of people significantly affected by aircraft noise might be neither limited nor reduced and as such this would not meet the objectives set out in the APF.* ***To address this the applicant has made a commitment that the Airport will seek to continually increase the percentage of flights undertaken by modernised low noise variants of relevant aircraft types and it is proposed to secure this commitment by way of a legal agreement (S106). This measure would facilitate a reduction in the overall noise levels and minimise the impact on local residents and therefore meet the objectives of the APF****.*

- *Luton Local Plan Policy LLA1 states……By applying this tighter interpretation this would require lower noise levels in 2028 than are predicted for the partial modernisation scenario. Although this alternative interpretation is not accepted by the applicant, achieving the full modernisation scenario would ensure compliance with this alternative interpretation* ***and this would be likely to be secured by a commitment (in the S106 Agreement) by the Airport that they will continually increase the percentage of fights undertaken by modernised low noise variants of relevant aircraft types****.*

111. Although the assessment of the ES in terms of noise did initially identify areas of concern relating to the interpretation of policy LLA1, predicted noise levels, night time noise issues and necessary mitigation measures, ***further negotiation with the applicant has resulted in the applicant accepting additional controls and mitigation measures by way of condition and or inclusion within the S106 Agreement****.*

112. ***The Local Planning Authority, in consultation with its noise consultant Cole Jarman Ltd, considers that there is a remedy to ensure that the numbers of people affected by aircraft noise does not increase****. The two tables below show a comparison for daytime noise (Table 1) and night time noise (Table 2) for a number of years – including the predictive and actual noise levels in 1999. The 2028 predicted figures are taken form the ES*

113. It can be seen that the predicted 1999 taken from the 1997 ES levels were higher than actual 1999 levels (0.2 square kilometres for daytime noise and 22.8 square kilometres for night time noise). Further it can also be seen that the current operation of the Airport is well below these levels. The requirement for Condition 12 for night time noise to be limited to an area of 37.2 sq.km for the 48-72 Leq dBA 8 hour (23.00 – 07.00) contour is ambitious but will ensure that lower noise levels are achieved in 2028 than currently predicted by LLAOL. ***However with strict controls on growth and measures such as fleet modernisation being maximised, this lower area is considered to be practicable and achievable. It also ensures additional benefits in terms of residential amenity in accordance with policy****.*

114. Even though some weight should be given to Local Plan Policy LLA1 as it is site specific and has been based on evidence the subject of previous planning decisions in relation to development of the Airport, it is considered that greater weight should be given to current Government policy, which is seeking where possible to reduce the number of people significantly affected by aircraft noise in the UK. It is therefore considered that the condition restricting the 57 dB daytime contour and the 48 dB night time contour could reflect the actual 1999 levels and thereby ensure that the area affected by aircraft noise would be any worse than at that time.

115. The applicant has raised concerns regarding the independent Noise assessment of the ES by Cole Jarman Ltd in terms of some of the conclusions reached in respect of issues relating to night time noise and the level of mitigation proposed. The applicant was of the view that this had been fully assessed within the ES. ***However the purpose of LBC carrying out an independent assessment was to examine the proposal and proposed mitigation in terms of seeking to secure on balance the best practicable outcomes for the surrounding community while enabling the development to be implemented in accordance with government and local policy.*** *Clearly within this process there will be differences of opinion. The proposed modifications to the Noise Insulation Scheme are not at a scale that could be considered unreasonable given the potential long term impact of the development as proposed.*

116. ***The conditions and S106 requirements as proposed therefore reflect both the aspirations of the APF and the NPPF****. The comments received by the applicants are contained in full within Appendix (8) of the Report.*

205. As set out within the report, the proposed expansion of the Airport will have an impact in terms of additional noise from aircraft movements and traffic generation. ***However, the proposal does afford the opportunity to put in place a range of controls through the use of a mix of planning conditions and obligations contained within a S106 Agreement, in respect of issues such as night time noise, noise insulation, limitation on the passenger numbers and type of aircraft etc. Current controls are limited in their effectiveness and/or do not meet the requirements or objectives of current national aviation and planning policy.****'*

3. Similarly, the Committee report relating to the Variation of condition 11 (i) – Noise Violation Limits states (text highlighted ***thus***):

'69. Commenting on condition 11(i), Cole Jarman Ltd note that the noise violation limits graduated according to the QC classification seek to ensure that all aircraft, and not just the noisiest, are operated in a manner that ensures the noise levels generated are commensurate with what is to be expected. However, they conclude from the analysis of the data that "setting noise violation limits based on the departure QC rating of an individual aircraft is unreliable. Transgression of a noise violation limit set in this way cannot be absolutely determined as evidence that any given aircraft is being operated in an unacceptable manner." Consequently they confirm that the data indicates an alternative means of setting noise violation limits and controlling average noise levels generated in the community around the airport is required.

70. Cole Jarman Ltd state that "if condition 11(i) is to be modified to include absolute noise limits unrelated to the QC rating of aircraft, then it is vital that the noise envelope restrictions set out in condition 12 are applied using the full knowledge of the actual noise levels generated by aircraft operating at Luton Airport." Condition 12 requires the area encapsulated by the 48dBL Aeq,8h contour to be reduced by the year 2028 from 37.2km2 to 31.6km2 for the night period and for the daytime the 57dB L Aeq,16h contour to be reduced from 19.4km^2 to 15.2km^2.

79. With regard to LADACAN's comments concerning the noise violation limits being a blunt tool that would not encourage a change to quieter aircraft, it should be noted that condition 11 is not the primary mechanism for constraining and reducing the overall levels of aircraft noise in the community. ***Condition 12 is the main tool setting limits on the areas enclosed in the daytime (57dB L Aeq,16h) and night time (48dB L Aeq,16h) and also requiring the Airport to develop and implement a strategy for ensuring that the areas within these contours reduces by 22% and 15% respectively by 2028. Such a reduction in the areas means there will be a reduction in noise generated by aircraft overflying all locations in the community around the Airport.*** *This also addresses one of the concerns raised by the Chilterns Countryside Board.'*

4. The planning conditions/s106 agreements attached to the 2014 and 2016 planning consents contain a suite of measures to restrict the noise impact of the development to safeguard potentially impacted communities and to make the development acceptable. The importance of and commitment to noise contours is clear from the decision-making process and these were duly incorporated into the planning consent. Key amongst these controls are the 22% and 15% reductions in day and night-time contours by 2028 and the requirement for the submission of a strategy to demonstrate how this will be achieved.

5. There has been considerable progress in national aviation policy and Government expectations of the aviation industry since consent was granted and there has also been substantive movement on best/better practice in relation to ensuring compliance with and enforcement of prescribed environmental limits.

6. Some of the particularly key aspects of Government national policy change/development are as follows.

7. At paragraphs 3.114 and 3.115 the Government's emerging Aviation Strategy (Aviation 2050) state:

> *3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. 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.*
>
> *3.115 The proposed new measures are:*
>
> - *setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017.*
>
> - *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****. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. ……'*

8. We can also see from the ANPS the Government's commitment to noise envelopes, packages of mitigation measures, community/stakeholder engagement, working with partners to secure delivery and how measures are to be secured and enforced.

> *'5.60 The applicant should put forward plans for a noise envelope. Such an envelope should be tailored to local priorities and include clear noise performance targets. As such, the design of the envelope should be defined in consultation with local communities and relevant stakeholders, and take account of any independent guidance such as from the Independent Commission on Civil Aviation Noise.* ***The benefits of future technological improvements should be shared between the applicant and its local communities****, hence helping to achieve a balance between growth and* ***noise reduction****.* ***Suitable review periods should be set in consultation with the parties mentioned above to ensure the noise envelope's framework remains relevant****.*
>
> *5.62 The Government also expects a ban on scheduled night flights for a period of six and a half hours, between the hours of 11pm and 7am, to be implemented. The rules around its operation, including the exact timings of such a ban, should be defined in consultation with local communities and relevant stakeholders, in line with EU Regulation 598/2014. In addition, outside the hours of a ban,* ***the Government expects the applicant to make particular efforts to incentivise the use of the quietest aircraft at night.***
>
> *5.63 It is recognised that Heathrow Airport already supports a number of initiatives to mitigate aircraft noise, such as developing quieter operating procedures (like steeper descent approaches) and keeping landing gear up as*

long as possible. The applicant is expected to continue to do so, ***and to explore all opportunities to mitigate operational noise in line with best practice. The implementation of such measures may require working with partners to support their delivery****.*

……..

5.66 The Secretary of State will expect ***the applicant to put forward proposals as to how these measures may be secured and enforced,*** *including the bodies who may enforce the measures. These bodies might include the Secretary of State, local authorities (including those over a wider area), and / or the Civil Aviation Authority.'*

9. The Airports National Policy Statement (ANPS) and the Heathrow Third Runway Development Consent Order process pursuant to it are perhaps where one should look for evidence of best/better practice in relation to ensuring compliance with and enforcement of prescribed environmental limits. Heathrow has set out its emerging proposals to deliver on Government ANPS environmental requirements of a third runway in its *'Environmentally Managed Growth – Our Framework for Growing Sustainably, June 2019'*. Amongst other things, this makes a range of commitments:

*'****Environmental performance would be central to the way in which we run the airport in the future and our objectives would be closely aligned with those of our local communities****.'*

'Those ***communities would be given confidence that the approved effects of expansion would never be exceeded****.'*

'To operate the ***framework effectively we will commit to a rigorous and transparent monitoring process****, which would be independently reviewed – and we propose that an Independent Scrutiny Panel (ISP) is established to hold us to account.'*

'2.1.3 This framework provides the mechanism to ensure that the main operational effects of Heathrow's growth ***will remain within acceptable environmental limits****, having regard to the Airports NPS.'*

'2.1.6 This framework formalises Heathrow's ***commitment to operate within defined environmental limits*** *that accord with the relevant requirements of the Airports NPS. It establishes* ***comprehensive and transparent monitoring and enforcement processes for the long term****. It commits Heathrow to a future in which managing the airport's environmental effects will be central to day to day and longer term strategic decisions about how the airport operates and grows.'*

'2.1.8 The framework set out in this document complements those measures by putting in place an ***effective long-term monitoring and management regime to assure that the effects of Heathrow's long-term growth permanently remain within acceptable limits*** *having regard to Government policy as set out in the Airports NPS. The regime will hold Heathrow to account. It will mean that the effects of the growth of the* ***airport's operations will always stay within environmental limits. It will involve clear and transparent reporting, so that local communities and the general public***

can understand the effects of our operation. It is aimed at creating public confidence and trust between the community and the airport, that the effects of the growth of the airport's operations will always stay within clear environmental limits.*'*

2.2.9 Directly in line with the Government's objectives, these envelopes or limits would enable the airport to continue to grow, i.e. handling more flights and passengers, as long as the environmental envelopes or limits are not exceeded. ***This commitment gives certainty to Heathrow's local communities, local authorities, Government, and wider stakeholders who will know what the maximum effects of Heathrow's growth will be into the long term. It also incentivises both Heathrow and its airlines to optimise their environmental performance, so that the airport operations can continue to grow within those envelopes or limits.***

2.2.10 ***The effect of this framework is to encourage airlines to operate the best performing aircraft on Heathrow routes and drive further technological innovation to reduce effects. The framework has the effect of incentivising Heathrow to adopt operational measures to optimise the number of flights and passengers that the airport can host. It also encourages Heathrow to invest in measures or commercial strategies which mitigate the effects of growth,*** *such as investment in public transport.*

2.2.11 This approach is aligned to the most up to date Government policy set out in the ***emerging Aviation Strategy green paper, which proposes the use of noise caps to balance noise and growth with appropriate compliance mechanisms in place****. The draft explains:*

> *"…a noise cap (also known as a noise envelope) is any measure which restricts noise. In its crudest form this could be a simple movement cap, but the Government proposes advocating caps which are based on setting maximum noise exposure levels (such as a contour area or noise quota)."*

2.3.3 ***In order to implement such a framework at Heathrow, it is necessary to put in place the following:***

- ***a clear, enforceable definition of the environmental envelopes or limits;***
- ***a monitoring, reporting and modelling regime which enables the impacts of Heathrow's growth to be accurately recorded and predicted; and***
- ***an independent body to scrutinise the monitoring and enforce the limits****.*

4.1 Monitoring

4.1.1 Heathrow already publishes a large volume of monitoring data about the effects of the airport's operations. For the purposes of this framework, however, Heathrow will prepare a document titled Environmentally Managed Growth – Our Monitoring which will set out the detail of how the effects of the airport's expansion will be monitored in relation to the four principal topic areas covered

by this Framework. ***This will enable the airport's performance against the limits identified in Appendix A to be monitored and enforced****.'*

4.1.2 We propose that monitoring data will be updated regularly on Heathrow's website and will be the subject of a formal ***Monitoring Report*** *published annually and submitted to the Independent Scrutiny Panel (see further below).*

4.1.3 ***The Monitoring Report would include all relevant data and identify the relevant impacts of Expansion. It will place those impacts in the context of the environmental limits or envelopes and will contain a 'look forward' discussing how Heathrow's forecast growth relates to those limits, taking account of any existing or planned mitigation measures****.*

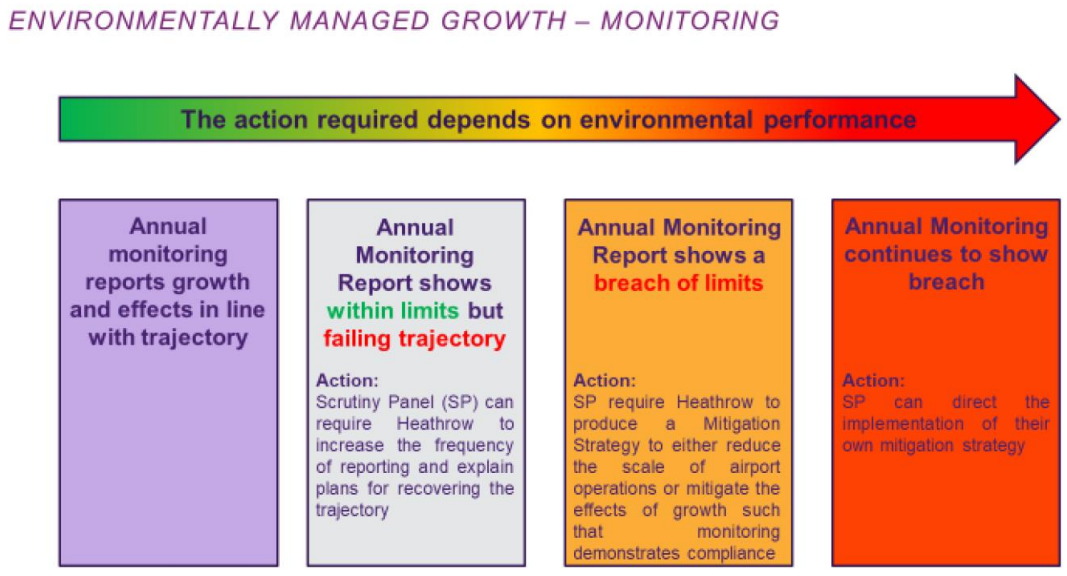
4.2 Independent Scrutiny Panel

4.2.1 Appendix C comprises a potential constitution for an Independent Scrutiny Panel (ISP). The establishment of the ISP will be committed to within the DCO in accordance with that constitution. ***It is important for public confidence that Heathrow's Environmentally Managed Growth framework is overseen and enforced independently by an organisation which is technically capable and appropriately resourced****.*

4.2.2 The precise details of the membership of the Independent Scrutiny Panel (ISP) need to evolve through consultation feedback and direct discussion with stakeholders. ***The purpose, however, is to gather together in one enforcement body all specialist agencies who may have a role in assessing and enforcing the environmental limits to Heathrow's growth, so that Heathrow can be held to account in a comprehensive and coordinated way****.*

4.3.4 ***The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed. Rather than growth being allowed to continue, the framework (and particularly the powers available to the ISP) would prevent its growth beyond a certain point until further mitigation can be found****……..'* [emphasis added]

Graphic 4.2 Environmentally Managed Growth – Illustration of monitoring response



10. This revised national policy context and emerging best/better practice is very relevant to this discharge application. The requirement to reduce noise contours is a critical requirement imposed on the Airport and is entirely consistent with Government expectation that *'noise caps …….provide future certainty over noise levels to communities'.* Unfortunately, historic and ongoing mismanagement of growth at the Airport has served to ensure that the ***'certainty'*** expected by Government is exactly what communities adversely impacted by aircraft noise associated with the Airport have not experienced. In-force noise contour restrictions the subject of Condition 10 have been breached for multiple years. A planning application to regularise and extend the breaches has been submitted to Luton Borough Council (LBC) and a decision is awaited. The ongoing unsatisfactory situation in terms of failure of environmental responsibilities makes the strategy to secure the noise contour reductions required by Condition 10 of utmost significance.

11. The County Council had been expecting that to enable the effective discharge of Condition 10 requirements, LLAOL would submit for approval a clear, tangible and deliverable action plan to achieve the required 2028 noise contour reductions. But this is not what has happened. The submitted 'Strategy' appears to amount to little more than a wish list of things that might or might not happen and that might or might not result in delivery. This is totally unacceptable. The County Council supports the findings and conclusions of the independent expert noise advice (dated 23rd January 2020) secured by LBC to inform its consideration of this application, which in summary finds:

> *'Bickerdike Allen (BAP) have submitted an undated report entitled Application No: 15/00950/VARCON(FUL), Discharge of Planning Condition 10 (Pt. 3), Noise Strategy (w.r.t. 2028). We understand that the document is intended to secure discharge of the condition on the premise that it contains sufficient detail of the strategy to be adopted by LLOAL to ensure that daytime and night-time noise contours will meet the reduced limits set for 2028.*

We do not believe that the report achieves this aim as it contains insufficient detail of the strategy to be adopted. Instead it contains a number of general and imprecise statements of intent, many of which are already contained in other documents submitted by the airport or by BAP on their behalf.'

The report indicates that the principle reasons that noise levels, and therefore noise contour areas, will reduce to meet the 2028 limits are twofold:

- *The future fleet mix will contain a sufficiently large proportion of new generation, low noise aircraft;*
- *Some improvements are expected as a matter of course from the NATS FASI-S airspace changes that are expected to occur.*

The main issue with this approach is that neither of these are under the control of the airport, and it is therefore inconsistent to suggest they can form part of the airport's strategy.

Another problem arises from the reliance placed on the current Noise Action Plan (NAP) as containing adequate descriptions of the measures that the airport will adopt in implementing the required strategy. The generic nature of the wording used in the NAP, repeated in the BAP report, is not adequate to describe the elements of the strategy the airport is expected to pursue. Furthermore, there is a circularity in relying on the NAP in that one of the Operational Restrictions described in the NAP (3.5) is to develop a noise contour reduction strategy, the very same strategy that, as currently drafted, relies on the measures defined in the NAP.'

12. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. Some of the principles and commitments within Heathrow's Environmentally Managed Growth approach are very much the kinds of things the County Council had expected to see in the strategy the subject of this application - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence (Graphic 4.2 above), limiting the growth unless the environmental limits are met, and so on.

13. A strategy is required which sets out:

- the range of measures/actions required to achieve contour reduction ('wish-list' items such as airspace modernisation can feature but cannot be relied upon until evidence is available – see 'strategy review' below.
- details exactly what measures/actions will be introduced and when and who is responsible for their introduction - with indicators/targets for these.
- how the indicators/targets are to be monitored and reported.
- a contour reduction trajectory – with a phased timetable that enables progress to be tracked and to trigger remediation measures as necessary.
- a commitment to transparency and community engagement.

- a scrutiny/enforcement/management framework that clearly sets out the mechanisms to be engaged should monitoring demonstrate failure against trajectory (triggered remediation measures).
- a clear commitment, similar to that within Heathrow's Environmentally Managed Growth, that contour reduction failure is not an option - *'The overall framework could have the effect of limiting the growth of the airport unless the Environmental Limits are observed…….'*.
- a commitment to strategy review (so that it can evolve and reflect changing circumstances – for example, if/when there is **evidence** in the future that airspace modernisation will have a positive impact on noise contour reduction.

14. The strategy submitted to discharge Condition 10 does not achieve these requirements and should be refused or a substantively revised strategy prepared and submitted by the applicant in response to and addressing the above concerns.

Yours sincerely,

Paul Donovan

Spatial Planning and the Economy Unit
Environment and Infrastructure Department

ANNEX 2

[to Hertfordshire County Council response (dated 11th June 2021) to planning application 21/00031/VARCON]

COMMENTS ON THE PLANNING STATEMENT ACCOMPANYING THE PLANNING APPLICATION

A1. Paragraphs in bold are replicated from the text within the Planning Statement (PS) upon which following paragraphs comment.

1.1.3 The 18 mppa cap on passenger numbers imposed by the 2014 planning consent reflected the forecasts at that time; it was anticipated that the airport would see a steady rise to 18 mppa by around 2028. It is important to note, however, that Luton Council (LC) as the local planning authority, acknowledged at the time (within the decision notice) that the approved scheme provided the airport with a potential capacity of up to 20 mppa (page 22 of the decision notice, under paragraph 4 of the Reasons for Granting Planning Permission). Therefore, although the 18 mppa cap was imposed on the Original Permission, the physical development consented by the Original Permission will accommodate an increase to 19 mppa.

A2. This is not entirely correct. The 18 mppa cap did not just 'reflect the forecasts at that time'. The environmental assessment of the proposal was based on the 18 mppa throughput being sought and the proposal was accepted on the basis of that assessment – not of any additional throughput capacity that might exist within the physical development/infrastructure provided. All of this is clear from the 18 mppa master plan, the application submitted, the committee papers and indeed the decision notice. The controls imposed on the consent reflected an 18 mppa Airport, not any bigger.

> *'is acknowledged that airport capacity is not a single rigid number, and that there are different approaches and variables to estimating capacity and that at best capacity determination is an approximate science, it is considered that the most effective way of achieving a certainty of the throughput would be in the form of a limit on the annual passenger numbers. This would be best achieved through the imposition of a condition limiting the passenger numbers to 18mppa,* ***which would also safeguard the amenities of the surrounding area and thereby accord with the objectives of Local Plan Policy LP1 and the NPPF****.*
>
> ***Controls over operations***
>
> *10 At no time shall the commercial passenger throughput of the airport exceed 18 million passengers in any twelve month period. From the date of this permission the applicant shall every quarter report in writing to the Local Planning Authority the moving annual total numbers of passengers through the airport (arrivals plus departures). The report shall be made no later than 28 days after the end of each quarter to which the data relates.*
>
> *10 Reason: To enable the Local Planning Authority* ***to exercise proper control over the development, in the interests of securing a satisfactory operation of the development and to safeguard the amenities of the surrounding***

***area. To accord with the objectives of Policy LP1 of the Luton Local Plan and the National Planning Policy Framework**.'*

[emphasis added]

1.1.4 The subsequent success of the airport has been well documented, with passenger throughput increasing from 10.5 mppa in 2014 to 18 mppa in 2019, a 71% increase in just six years. Notwithstanding the temporary implications of COVID-19 for travel volumes, the long term growth in demand is set to continue and raising the cap to 19 mppa would allow the airport to continue to grow effectively within sustainable limits, and as one of the largest employers in the area, it will assist in economic recovery both locally and nationally.

A3. But the failure of the Airport to grow whilst complying with the restrictions imposed upon it by the parent planning consent are also well documented. The breaches of Condition 10 have been such that the Airport was required to submit a planning application for their temporary relaxation to 2027.

3.2.3 It is also noteworthy that LC recognised within the decision notice for the 2014 Planning Permission (i.e. Reason no. 4 for granting planning permission) that the expanded airport would have a capacity of between 18 and 20 mppa as stated below:

"…The conclusion reached in determining the application is that the capacity at the Airport with the proposed developments would be between 18 mppa and 20 mppa. The range reflects the many normal uncertainties in capacity assessments, with the greatest of these being whether the existing patterns of traffic will continue (the lower end of the range), or whether historic peak ratios will return (the higher end of the range). Whilst it is acknowledged that the airport capacity is not a single rigid number, and that there are different approaches and variables to estimating capacity and that at best capacity determination is an approximate science, it is considered that the most effective way of achieving a certainty of the throughput would be in the form of a limit on the annual passenger numbers. This would be best achieved through the imposition of a condition limiting the passenger numbers to 18 mppa…'

A4. The Statement fails to conclude this paragraph – repeated here for completeness.

'…….which would also safeguard the amenities of the surrounding area and thereby accord with the objectives of Local Plan Policy LP1 and the NPPF.'

A5. The 18 mppa cap is clearly directly linked to the need to safeguard amenity to accord with the development plan and NPPF.

3.9 19/00428/EIA (Section 73 to 15/00950/VARCON permission)

3.9.1 The noise monitoring by LLAOL revealed that the summer night-time contour as set out in Condition 10 (Noise contours) of the 15/00950/VARCON permission was exceeded in 2017 for the first time. The summer night-time contour was exceeded again for the second time in 2018. In March 2019, a

Section 73 application was submitted to temporarily enlarge the noise contours to the end of 2024 whilst the development of newer, quieter aircraft progresses and comes into operation.

A6. This application has now been withdrawn.

4.2.5 It is anticipated that LLA will recover relatively swiftly from the temporary COVID-19 implications, having been the second busiest airport in the UK by passenger numbers during the travel restrictions (e.g. May and June 2020) after Heathrow. LLAOL expects passenger volumes to recover to 18 mppa by 2023 and could grow beyond 18 mppa in 2024. Therefore the 19 mppa proposal is likely to be realised in 2024.

4.2.6 LLAOL's passenger recovery forecast is based on the industry-wide research and forecast by Airports Council International (ACI). ACI are an industry body representing airports throughout the world, including LLA. As well as representing airports' views and interests, they provide analysis and forecasts of airport performance drawing on industry experts to provide a view of future industry demand.

4.2.7 A panel of air traffic forecasting experts has been polled by ACI and the results aggregated to provide a consensus view of the likely recovery of passenger demand to/from and within Europe in 2020 and 2021. LLAOL have further extrapolated those recovery rates beyond December 2021 to the end of 2024 as shown Figure 4.1 below.

4.2.10 Based on the ACI's industry insight, it is reasonable to believe that LLA will recover to 18 mppa somewhere between the 'medium' and 'high' recovery scenarios. This means that LLA could realistically be back at 18 mppa sometime in 2023 and be growing beyond 18 mppa in 2024. As such, the 19 mppa proposal is likely to be realised in 2024.

A7. The County Council's response to the LLAOL 19 mppa consultation highlighted the scenarios presented by IATA/Eurocontrol, suggesting a more likely later recovery scenario. Since then, the Committee on Climate Change has issued its Sixth Carbon Budget advice to Government in which it recognises uncertainties generated by Covid *'……There remain major uncertainties as to the size of the aviation industry that will emerge post-COVID, particularly as the pandemic continues to spread globally……...CCC have estimated a drop in UK flights and emissions during 2020-2023……..., with a return to previously projected to demand levels from 2024 in most scenarios.'*.

A8. Given the current state of play with regard to Covid containment/recovery, an updated assessment should be prepared for the decision-maker.

4.3.5 The modification to Condition 10 is required in order to account for the fact that the introduction of new quieter aircraft has not kept pace with the unprecedented growth in passenger demand. The passenger level at LLA reached the 18 mppa cap in 2019, almost a decade earlier than originally anticipated in the 2014 Planning Permission. An amended condition is necessary in order to safeguard against factors that are beyond the airport's direct control, including delays to the technological aircraft development and

delays to flying times due to European Air Traffic Control disruptions and extreme weather events.

A9. This is only partly correct. As the County Council's response to the Condition 10 planning application stated, the principal reason for the failure of the Airport to meet the requirements of the planning permission to 18 mppa is the inability of the operator to manage operations and growth in a manner to meet those requirements. It would have been entirely possible for the Airport to grow and honour the planning consent.

4.3.11 Data from the noise monitoring that LLAOL carry out (and published as part of LLAOL's annual monitoring reports) revealed that the contours as set in Condition 10 were exceeded since 2017 but only in the summer. LLAOL have looked extensively at their operations to ascertain why the contour was breached and what measures it could reasonably take to guard against further breaches (see below under the heading 'mitigation' for further information).

4.3.12 A series of severe weather events, combined with European Air Traffic Control disruption, resulted in flights that were scheduled to arrive in the daytime period actually arriving in the night-time period. The additional unplanned night-time flights contributed to Condition 10 being exceeded, and there is no mechanism to permit the exclusion of these movements from the assessment as there is with the movement and Quota Count (QC) limits.

4.3.13 Following the exceedance of the night-time contour limit in 2017 the airport put in place a suite of operational restrictions to curb the number of movements during the night-time period to safeguard against a further exceedance of the limit. This included rejecting any applications for additional scheduled night-time movements. However, due to circumstances outside of LLAOL's control (namely continued disruption of European Air Traffic Control, for reasons such as industrial actions and weather events) meant that the contour was breached again in the following years.

4.3.14 In summary, the number of passengers using LLA has grown more quickly than that forecast at the time of the 2014 Planning Permission, but the introduction of the new generation aircraft has not kept pace. These factors, combined with unforeseen delays arising from European industrial issues and severe weather events, have resulted in a situation whereby the airport cannot operate to its full permitted 18 mppa capacity nor can it sustainably grow to 19 mppa whilst being confident that the restrictions of Condition 10 can be met.'

A10. See paragraph A9.

4.3.6 Scheduling and other wider considerations beyond LLA dictate to airlines which aircraft are used for particular flights, although LLA is able to offer incentives to airlines for the introduction of the next generation aircraft operating out of Luton. Nevertheless, airlines at LLA have placed orders for these modern aircraft and continue to do so, and it is anticipated that these aircraft would be delivered between 2021 and 2028.

A11. Further information is required on the scale and timing of these commitments.

4.7 Conclusion

4.7.3 LLAOL has prepared a suite of technical evidence-based assessments to demonstrate the impacts of its proposals to increase the passenger cap to 19 mppa alongside the enlargement of noise contours. The assessments have been produced in consultation with key stakeholders including LLAL, LC and the surrounding local communities.

A12. The assessments have not been produced in consultation with surrounding local communities.

5.2 National policy frameworks

5.2.1 It is important to set out the Government's current and emerging aviation policy relating to the future of the UK aviation sector, before setting out the planning policy context in relation to the Proposed Amendments.

A13. It is indeed important for the PS to set out Government's current and emerging aviation policy, but it is also important to set out relevant general national policy that is applicable to the application. The assessment of relevant policy in section 5.2 of the PS is poor on both counts.

Aviation Policy Framework (APF)

5.2.4 The APF states that the Government wants to see the best use of existing airport capacity (Paragraph 1.24) and that in the short term, a key priority for the Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports to improve performance, resilience and the passenger experience (Paragraph 1.60).

A14. Paragraph 5.2.4 refers to paragraph 1.24 of the APF in relation to making best use of existing airport capacity. But it than fails to go to recognise the text immediately following this para 1.24 reference which is very relevant context for this planning application:

> *'1.24 The Government wants to see the best use of existing airport capacity. We support the growth of airports in Northern Ireland, Scotland, Wales and airports outside the South East of England.* ***<u>However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts.</u>****'*

A15. The APF section also fails to recognise other parts of the APF relevant to the application. For example:

> *'Strategy for a vibrant aviation sector: the short term*
>
> *1.60 In the short term, to around 2020, a key priority for Government is to continue to work with the aviation industry and other stakeholders to make better use of existing runways at all UK airports.*

*‘**Our climate change strategy for aviation***

2.4 The Government’s objective is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.

*3.1 **Whilst the aviation industry brings significant benefits to the UK economy, there are costs associated with its local environmental impacts which are borne by those living around airports, some of whom may not use the airport or directly benefit from its operations.** This chapter considers noise, air quality and other local environmental impacts.*

Noise

3.2 The Government recognises that noise is the primary concern of local communities near airports. The extent to which noise is a source of tension between airports and local communities will vary depending on factors such as the location of an airport in relation to centres of population and the quality of its relations and communications with its local communities. We are aware that many airports already make considerable efforts to engage their local communities and that the relationship is well managed.

*3.3 **We want to strike a fair balance between the negative impacts of noise (on health, amenity (quality of life) and productivity) and the positive economic impacts of flights. As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements.***

3.7 The Government fully recognises the ICAO Assembly ‘balanced approach’ principle to aircraft noise management. The ‘balanced approach’ consists of identifying the noise problem at an airport and then assessing the cost-effectiveness of the various measures available to reduce noise through the exploration of four principal elements, which are:

- *reduction at source (quieter aircraft);*
- *land-use planning and management;*
- *noise abatement operational procedures (optimising how aircraft are flown and the routes they follow to limit the noise impacts); and*
- *operating restrictions (preventing certain (noisier) types of aircraft from flying either at all or at certain times).*

Policy objective

*3.12 **The Government’s overall policy on aviation noise is to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise, as part of a policy of sharing benefits of noise reduction with industry**.*

3.13 This is consistent with the Government's Noise Policy, as set out in the Noise Policy Statement for England (NPSE) which aims to avoid significant adverse impacts on health and quality of life.

3.14 Although there is some evidence that people's sensitivity to aircraft noise appears to have increased in recent years, there are still large uncertainties around the precise change in relationship between annoyance and the exposure to aircraft noise. ***There is evidence that there are people who consider themselves annoyed by aircraft noise who live some distance from an airport in locations where aircraft are at relatively high altitudes****. Conversely, some people living closer to an airport seem to be tolerant of such noise.*

3.15 To provide historic continuity, the Government will continue to ensure that noise exposure maps are produced for the noise-designated airports on an annual basis providing results down to a level of 57dB LAeq 16 hour. To improve monitoring of the specific impact of night noise, we will also ensure that separate night noise contours for the eight-hour night period (11pm–7am) are produced for the designated airports.

3.17 ***We will continue to treat the 57dB LAeq 16 hour contour as the average level of daytime aircraft noise marking the approximate onset of significant community annoyance. However, this does not mean that all people within this contour will experience significant adverse effects from aircraft noise. Nor does it mean that no-one outside of this contour will consider themselves annoyed by aircraft noise.***

3.19 Average noise exposure contours are a well established measure of annoyance and are important to show historic trends in total noise around airports. ***However, the Government recognises that people do not experience noise in an averaged manner and that the value of the LAeq indicator does not necessarily reflect all aspects of the perception of aircraft noise. For this reason we recommend that average noise contours should not be the only measure used when airports seek to explain how locations under flight paths are affected by aircraft noise. Instead the Government encourages airport operators to use alternative measures which better reflect how aircraft noise is experienced in different localities,*** *developing these measures in consultation with their consultative committee and local communities.* ***The objective should be to ensure a better understanding of noise impacts and to inform the development of targeted noise mitigation measures****.*

Measures to reduce and mitigate noise – the role of industry

3.24 ***The acceptability of any growth in aviation depends to a large extent on the industry tackling its noise impact. The Government accepts, however, that it is neither reasonable nor realistic for such actions to impose unlimited costs on industry. Instead, efforts should be proportionate to the extent of the noise problem and numbers of people affected.***

3.25 As a general principle, ***the Government expects that at the local level, individual airports*** *working with the appropriate air traffic service providers* ***should give particular weight to the management and mitigation of noise,*** *as opposed to other environmental impacts, in the immediate vicinity of airports, where this does not conflict with the Government's obligations to meet mandatory EU air quality targets. Any negative impacts that this might have on CO_2 emissions should be tackled as part of the UK's overall strategy to reduce aviation emissions, such as the EU Emissions Trading System (ETS). Further guidance on this principle will be published when the Department for Transport updates its guidance to the Civil Aviation Authority (CAA) on environmental objectives relating to the exercise of its air navigation functions (see Chapter 5).*

3.27 ***As part of the range of options available for reducing noise, airports should consider using differential landing charges to incentivise quieter aircraft.*** *The Government has asked the CAA to investigate the use of these charges and the CAA will be publishing its findings later this year.*

3.28 ***The Government expects airports to make particular efforts to mitigate noise where changes are planned which will adversely impact the noise environment.*** *This would be particularly relevant in the case of proposals for new airport capacity, changes to operational procedures or where an increase in movements is expected which will have a noticeable impact on local communities. In these cases, it would be appropriate to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected.*

Night noise

3.34 ***The Government recognises that the costs on local communities are higher from aircraft noise during the night, particularly the health costs associated with sleep disturbance. Noise from aircraft at night is therefore widely regarded as the least acceptable aspect of aircraft operations.*** *However, we also recognise the importance to the UK economy of certain types of flights, such as express freight services, which may only be viable if they operate at night. As part of our current consultation on night flying restrictions at the noise-designated airports, we are seeking evidence on the costs and benefits of night flights.*

3.35 ***In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available.*** *We commend voluntary approaches such as the curfew at Heathrow which ensures that early morning arrivals do not land before 4.30am.*

Noise insulation and compensation

3.36 The Government continues to expect airport operators to offer households exposed to levels of noise of 69 dB LAeq,16h or more, assistance with the costs of moving.

3.37 ***The Government also expects airport operators to offer acoustic insulation to noise-sensitive buildings, such as schools and hospitals, exposed to levels of noise of 63 dB LAeq,16h or more. Where acoustic insulation cannot provide an appropriate or cost-effective solution, alternative mitigation measures should be offered.***

3.38 If no such schemes already exist, airport operators should consider financial assistance towards acoustic insulation for households. Where compensation schemes have been in place for many years and there are few properties still eligible for compensation, airport operators should review their schemes to ensure they remain reasonable and proportionate.

3.39 ***Where airport operators are considering developments which result in an increase in noise, they should review their compensation schemes to ensure that they offer appropriate compensation to those potentially affected. As a minimum, the Government would expect airport operators to offer financial assistance towards acoustic insulation to residential properties which experience an increase in noise of 3dB or more which leaves them exposed to levels of noise of 63 dB LAeq,16h or more.***

3.40 Any potential proposals for new nationally significant airport development projects following any Government decision on future recommendation(s) from the Airports Commission would need to consider tailored compensation schemes where appropriate, which would be subject to separate consultation.

3.41 Airports may wish to use alternative criteria or have additional schemes based on night noise where night flights are an issue. Airport consultative committees should be involved in reviewing schemes and invited to give views on the criteria to be used.

Air quality and other local environmental impacts

3.48 *Our policy on air quality is to seek improved international standards to reduce emissions from aircraft and vehicles and to work with airports and local authorities as appropriate to improve air quality, including encouraging HGV, bus and taxi operators to replace or retrofit with pollution-reducing technology older, more polluting vehicles.*

3.51 *Studies have shown that NOx emissions from aviation-related operations reduce rapidly beyond the immediate area around the runway. Road traffic remains the main problem with regard to NOx in the UK. Airports are large generators of surface transport journeys and as such share a responsibility to minimise the air quality impact of these operations. The Government expects them to take this responsibility seriously and to work with the Government, its agencies and local authorities to improve air quality.*

3.52 *Whilst our policy is to give particular weight to the management and mitigation of noise in the immediate vicinity of airports, there may be instances where prioritising noise creates unacceptable costs in terms of local air pollution. For example, displacing the runway landing threshold to give noise benefits could lead to significant additional taxiing and emissions. For this*

reason, the impacts of any proposals which change noise or emissions levels should be carefully assessed to allow these costs and benefits to be weighed up.

Planning policies

5.6 In preparing their local plans, local authorities are required to have regard to policies and advice issued by the Secretary of State. This includes the Aviation Policy Framework, to the extent it is relevant to a particular local authority area, along with other relevant planning policy and guidance. The Aviation Policy Framework may also be a material consideration in planning decisions depending on the circumstances of a particular application.'

Surface access
5.11 *All proposals for airport development must be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport by passengers to access the airport, and minimise congestion and other local impacts.*
5.12 *The general position for existing airports is that developers should pay the costs of upgrading or enhancing road, rail or other transport networks or services where there is a need to cope with additional passengers travelling to and from expanded or growing airports. Where the scheme has a wider range of beneficiaries, the Government will consider, along with other relevant stakeholders, the need for additional public funding on a case-by-case basis.*

Beyond the Horizon: The Future of UK Aviation

A16. Paragraphs 5.2.5-5.27 summarise 'Beyond the Horizon: The Future of UK Aviation'. This was an earlier Government consultation (April 2018) in the Government's development of its new national aviation policy. The Government's latest publication is 'Aviation 2050: The Future of UK Aviation' (December 2018), and this is considered below.

Airports National Policy Statement (ANPS)

A17. The PS is sparse in its analysis of relevant policy context in the ANPS. For example:

'1.39 On 21 July 2017, the Government issued a call for evidence on a new Aviation Strategy. ***Having analysed the responses, the Government has confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have positive and negative impacts, including on noise levels. We consider that any proposals should be judged on their individual merits by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts.****'*

Surface access

Introduction

5.5 The Government's objective for surface access is to ensure that access to the airport by road, rail and public transport is high quality, efficient and reliable for passengers, freight operators and airport workers who use transport on a daily basis. The Government also wishes to see the number of journeys made to airports by sustainable modes of transport maximised as much as possible. This should be delivered in a way that minimises congestion and environmental impacts, for example on air quality.

Noise

Introduction

5.44 ***The impact of noise from airport expansion is a key concern for communities affected, and the Government takes this issue very seriously. High exposure to noise is an annoyance, can disturb sleep, and can also affect people's health. Aircraft operations are by far the largest source of noise emissions from an airport,*** *although noise will also be generated from ground operations and surface transport, and during the construction phase of a scheme.*

5.45 Aircraft noise is not only determined by the number of aircraft overhead, but also by engine technologies and airframe design, the paths the aircraft take when approaching and departing from the airport, and the way in which the aircraft are flown.

Decision making

5.67 The proposed development must be undertaken in accordance with statutory obligations for noise. Due regard must have been given to national policy on aviation noise, and the relevant sections of the Noise Policy Statement for England, the National Planning Policy Framework, and the Government's associated planning guidance on noise. However, the Airports NPS must be used as the primary policy on noise when considering the Heathrow Northwest Runway scheme, and has primacy over other wider noise policy sources.

5.68 Development consent should not be granted unless the Secretary of State is satisfied that the proposals will meet the following aims for the effective management and control of noise, within the context of Government policy on sustainable development:

- ***Avoid significant adverse impacts on health and quality of life from noise;***
- ***Mitigate and minimise adverse impacts on health and quality of life from noise; and***
- ***Where possible, contribute to improvements to health and quality of life.***

Carbon emissions

Introduction

5.69 The Planning Act 2008 requires that a national policy statement must give reasons for the policy set out in the statement and an explanation of how the policy set out in the statement takes account of Government policy relating to the mitigation of, and adaptation to, climate change.162 The Government has a number of international and domestic obligations to limit carbon emissions. Emissions from both the construction and operational phases of the project will be relevant to meeting these obligations.

5.70 The Government's key objective on aviation emissions, as outlined in the Aviation Policy Framework, is to ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions.163

Community compensation

Introduction

5.239 The Secretary of State recognises that, in addition to providing economic growth and employment opportunities, airport expansion will also have negative impacts upon local communities. This will include impacts through land take requiring the compulsory acquisition of houses that fall within the new boundary of the airport, exposure to air quality impacts, and aircraft noise, that is both an annoyance and can have an adverse impact on health and cognitive development.'

Aviation 2050: The Future of UK Aviation

A18. The PS is sparse in its analysis of relevant policy context in the Aviation 2050. For example:

'Environmental impacts

1.26 ***Disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.*** *There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. The government is supporting the industry to deliver airspace modernisation and has also established a new Independent Commission on Civil Aviation Noise (ICCAN), but efforts to reduce and manage noise impacts must continue.*

What this means for Aviation 2050

1.33 Together, these trends present significant opportunities to be exploited, but also challenges to overcome and manage. Global and domestic trends show that with the right economic conditions, the year-on-year growth in passenger numbers and air freight can be expected to continue. There are also signs of change in the market which could which transform business models and the offer for consumers. ***Meeting this increased demand will require a new partnership between the government, the industry, the regulator and communities that balances the economic benefits of growth with its impact on communities and the environment.***

1.34 The eastward shift in aviation markets and the growth in new technologies mean that aviation could look very different to how it does today, both globally and domestically. To remain competitive on the global stage, and to safeguard its role as one of the leaders in both aviation and aerospace, the UK must be well positioned to take advantage of these new opportunities, while managing the potential economic, political and environmental headwinds along the way.

1.35 This is the motivation behind a new Aviation Strategy which will:
……...

- *ensure that aviation can grow sustainably – moving beyond an artificial 'choice' between growth and environmental protection by building a new partnership that actively supports sustainable growth with actions taken to mitigate environmental impacts*
- ***support regional growth and connectivity** – ensuring aviation enables all regions of the UK to prosper and grow, providing jobs and economic opportunities and a meaningful contribution to the life of communities up and down the country*

……..

Ensure aviation can grow sustainably

3.3 ***Even with these improvements there are challenges that need to be addressed. Growth can have significant environmental impacts which affect local communities and increase emissions.*** *There are also significant infrastructure constraints which require urgent attention, such as the need to modernise our airspace, improve transport links to airports and consider whether new runways are required.* ***Therefore, while the government supports continued growth in aviation over the next 30 years, it also believes that the UK must be more ambitious on environmental protection to ensure that growth is sustainable.***

A partnership for sustainable growth

3.5 The government's forecasts show that demand for aviation will continue to grow in the period to 2050. The government intends to discuss its modelling approach with stakeholders in the first half of 2019, which will inform future decisions on whether there is a case for additional runways.

3.6 The government accepted the independent Airports Commission's conclusion that there is a need to increase capacity in the South East of England by 2030 by constructing one new runway and supports a new Northwest runway at Heathrow Airport, through the designation of the Airports National Policy Statement (NPS). This sets out the requirements that an applicant will need to meet in order for development consent to be granted. ***The government has also expressed support for other airports making best use of their existing runway capacity, subject to economic and environmental issues being addressed.***

3.9 The partnership for sustainable growth which the government is proposing is a long-term policy framework which will need to be flexible enough to respond

to new information, developments and changing circumstances, while providing sufficient long-term confidence for the industry and communities.

3.10 The government's expectation is that the new framework would apply to all airport and airline operations within the UK, although many policies would need to be tailored to the local circumstances. For example, there could be different policies applied depending on whether an airport was continuing to grow within existing planning approvals, was bringing forward a new planning application to make best use of existing runways, or in future was potentially seeking permission for a new runway. Until any framework is adopted as government policy, planning applications should continue to be considered against existing policy.

Future growth

3.11 The government believes that forecasted aviation demand up to 2030 can be met through a Northwest runway at Heathrow and by airports beyond Heathrow making best use of their existing runways subject to environmental issues being addressed. To ensure that this additional capacity delivers the full benefits for the consumer and industry while minimising the negative impacts on local communities, the government proposes to work in partnership with the industry to deliver on a number of policy areas, as set out in this chapter.

Surface access

3.67 It is important to have good surface access links with airports. All proposed airport developments need to be accompanied by clear surface access proposals which demonstrate how the airport will ensure easy and reliable access for passengers, increase the use of public transport and minimise congestion, emissions and other local impacts.

Community engagement and sharing benefits from growth

3.71 In recognition of their impact on local communities and as a matter of good corporate social responsibility, a number of airports have community funds which exist to provide funding for local community projects. There is currently no national policy on such funds. In relation to the proposed Heathrow Northwest runway, the Airports NPS expects ongoing community compensation will be proportionate to environmental impacts.

3.72 The government believes all major airports should establish and maintain community funds, to invest sufficiently in these so that they are able to make a difference in the communities impacted and to raise the profile of these funds. The levels of investment should be proportionate to the growth at the airport. Community funds are complementary measures to ensure communities get a fair deal and do not substitute for noise reduction. The government proposes to:

- **produce guidance on minimum standards for community funds**

A 2050 vision for tackling emissions

3.85 The government recognises that international action takes time, so will also consider appropriate domestic action to support international progress. The UK's trajectory to meeting its Climate Change Act 2050 target is set out in five-yearly carbon budgets that currently exclude emissions from international aviation. However, the Committee on Climate Change (CCC), established by the Climate Change Act as the independent advisory body on climate change, recommends that international aviation should be included by 2050.

3.86 In order to implement the government's long term vision for addressing UK aviation emissions, the government will maintain its current policy not to mandate sector specific emissions reduction targets to ensure reductions are made wherever it is most cost effective across the economy.

3.87 The government agrees with the current CCC advice that international aviation emissions should, for now, continue to be formally excluded from carbon budgets. The government proposes therefore, to continue using the CCC advice and leave 'headroom' for international aviation when setting carbon budgets so that the economy as a whole is on a trajectory to meeting the 2050 Climate Change Act target (including international aviation). To set a clear level of ambition for the sector, the government proposes to:

accept the CCC's recommendation that emissions from UK-departing flights should be at or below 2005 levels in 2050

Sustainable journeys to the airport

3.98 The government's ambition is to put the UK at the forefront of the design and manufacture of zero emission vehicles, and for all new cars and vans to be effectively zero emission by 2040……...

3.99 The government's expectation is that airports, through their surface access strategies, set targets for sustainable passenger and staff travel to the airport which meet, where possible, the ambitions set by the government and for these to be monitored by their respective Airport Transport Forums.

3.101 The government expects airports to make the most of their regional influence to provide innovative solutions and incentives against ambitious targets which reduce carbon and congestion and improve air quality.

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.

Proposed measures

3.127 The government recognises the need to take further action to ensure aviation's contribution to local air quality issues is properly understood and addressed and is proposing the following measures:

- ***requiring all major airports to develop air quality plans to manage emissions within local air quality targets.*** *This will be achieved through establishing minimum criteria to be included in the plans*
-

Managing noise

The impact of aviation noise

3.102 ***<u>The growth of the aviation sector brings many benefits but the government recognises that disturbance from aircraft noise has negative impacts on the health and quality of life of people living near airports and under flightpaths.</u>***
……

3.105 ***<u>However, the government recognises that statistics showing past and future improvements in noise do not necessarily match the experience of some people living under flightpaths, for whom the benefits of quieter aircraft can be cancelled out by greater frequency of movements or the effects of concentrated traffic associated with more accurate navigation technology (see paragraph 3.19).</u>*** *The CAA's report also shows that the number of people affected will be higher as a result of population increases.*

3.106 There is also evidence that the public is becoming more sensitive to aircraft noise, to a greater extent than noise from other transport sources, and that there are health costs associated from exposure to this noise. ……

3.112 ***<u>The government expects the industry to show continuing commitment to noise reduction and mitigation as part of its contribution to the partnership for sustainable growth.</u>*** *The government has shown that it is committed to this by setting out in the Airports NPS its expectations that the developer put in place a comprehensive mitigations package. The proposals in this consultation are aligned with the principles in the NPS, but the implementation of those document principles must be proportionate to the local situation (recognising that the scale of the noise impacts at Heathrow is much greater than at other airports due to the number of movements and local population density). The picture below shows a noise monitor at Heathrow Airport.*

Towards a stronger noise policy framework

3.113 The government sets the high level policy framework on aviation noise and also sets noise controls at Heathrow, Gatwick and Stansted. The current overarching policy, originally set out in the 2013 Aviation Policy Framework, is "to limit and, where possible, reduce the number of people in the UK significantly affected by aircraft noise as part of a policy of sharing benefits of noise reduction with industry in support of sustainable development."

3.114 The government recognises that there has been uncertainty on how this policy should be interpreted, measured and enforced. ***<u>The government</u>***

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.

3.115 The proposed new measures are:

- ***setting a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise. This brings national aviation noise policy in line with airspace policy updated in 2017***
- ***developing a new national indicator to track the long term performance of the sector in reducing noise.*** *This could be defined either as a noise quota or a total contour area based on the largest airports*
- ***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. It is important that caps are subject to periodic review to ensure they remain relevant and continue to strike a fair balance by taking account of actual growth and the introduction of new aircraft technology. It is equally important that there are appropriate compliance mechanisms in case such caps are breached and the government wants to explore mechanisms by which airports could 'pay for' additional growth by means of local compensation as an alternative to the current sanctions available*
- ***requiring all major airports to set out a plan which commits to future noise reduction, and to review this periodically.*** *This would only apply to airports which do not have a noise cap approved through the planning system and would provide similar certainty to communities on future noise levels.* ***The government wants to see better noise monitoring and a mechanism to enforce these targets as for noise caps.*** *The noise action planning process could potentially be developed to provide the basis for such reviews, backed up by additional powers as necessary for either central or local government or the CAA*

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***

Air quality

Proposed measures

3.127 The government recognises the need to take further action to ensure aviation's contribution to local air quality issues
……

- ***requiring all major airports to develop air quality plans to manage emissions within local air quality targets.*** *This will be achieved through establishing minimum criteria to be included in the plans*

……

Support regional growth and connectivity

4.3 The government has also confirmed that it is supportive of airports beyond Heathrow making best use of their existing runways, subject to proposals being assessed in light of environmental and economic impacts.'

National Planning Policy Framework (NPPF)

5.2.20 The framework highlights in Paragraph 81 that planning policies should be "*flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances"*……

A19. Paragraph 81 is irrelevant as it relates to what planning policies in development plans should do, not decisions upon planning applications.

Promoting sustainable transport

5.2.21 Paragraph 104 states that planning policies should *"provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy"*. The framework clearly acknowledges the economic benefit that expansion of a large scale transport facility, such as an airport expansion, can generate.

A20. Reference to large scale transport facilities is irrelevant to this planning application because paragraph 104 relates to the development of planning policies, not to decisions on planning applications.

5.2.22 The same paragraph goes on to highlight aviation facilities specifically. It notes that planning policies should "*recognise the importance of maintaining a*

national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy".

A21. This relates to relates to general aviation, not large scale nationally significant airports like London Luton.

A22. No reference is made to the following relevant policy:

> *'102. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*
>
> *a) the potential impacts of development on transport networks can be addressed;*
>
> *b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
>
> *c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
>
> *d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
>
> *e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*
>
> *'110. Within this context, applications for development should:*
>
> *a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
> *b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
> *c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
> *d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
> *e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*
>
> *111. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*

Meeting the challenge of climate change, flooding and coastal change

5.2.24 Paragraph 148 encourages the planning system to *support the transition to a low carbon future in a changing climate"* and *"help to shape places in ways that contribute to radical reductions in greenhouse gases emissions"*. Paragraph 150 states that "*new development should be planned in ways that a) avoid increased vulnerability to the range of impacts arising from climate change"* and that "*b) can help to reduce greenhouse gas emissions"*.

A23. No reference is made to the following relevant policy:

> *'153. In determining planning applications, local planning authorities should expect new development to:*
>
> *a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
>
> *b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

Conserving and enhancing the natural environment

A24. No reference is made to the following relevant policy:

> *'181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

NPPF conclusion

5.2.28 The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognise that for some types of development there is a need to take into account the specific local opportunities that may present themselves. There is strong policy support for businesses to develop and a recognition in the case of aviation that needs may not be fixed but may change over time. Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from pollution recognising that they could potentially give rise to significant adverse impacts upon health and quality of life.

A25. *'The presumption in favour of sustainable development recognises the need to balance social, economic and environment objectives but is sufficiently pragmatic to recognises that for some types of development there is a need to take into account*

the specific local opportunities that may present themselves'. The NPPF does not state this - the presumption in favour of sustainable development:

- does not itself refer to the need to balance social, economic and environmental objectives. The objectives referred to are the objectives of the planning system to achieve sustainable development. The 'balance' between these objectives is within the supporting text and relates to achieving sustainable development more generally through the planning system.
- does not in any way recognise that some types of development need to take into account specific local opportunities that may present themselves.

A26. Reference is made to *'a recognition in the case of aviation that needs may not be fixed but may change over time'*. The NPPF does no such thing – where it does comment on *'the need to adapt and change over time'* is in relation to general aviation only.

A27. *'Nevertheless, aviation development should be environmentally appropriate and should undertake measures to mitigate potential adverse impacts from noise recognising that it could potentially give rise to significant adverse impacts upon health'*. None of this features within the NPPF. The NPPF makes no reference to aviation development (only general aviation – see above), being *'environmentally appropriate'* (whatever that is supposed to mean), to *'undertake measures to mitigate'* or that it *'could potentially give rise to significant adverse impacts upon health'*.

A28. NB. There are no conclusions for any other of the policy summaries.

National Planning Practice Guidance

5.2.29 On 6 March 2014, the Department for Communities and Local Government (DCGL, now MHCLG) launched the National Planning Practice Guidance (PPG), a web-based resource. Together with the NPPF, this sets out the Government's overall planning policy framework. With specific regard to aviation and airport planning, the PPG does not introduce any additional guidance beyond that which is already captured by the NPPF.

A29. NPPG might not refer specifically to aviation or airports, but it contains plenty of guidance of relevance to the application. For example:

> *'Air Quality*
>
> *The Department for Environment, Food and Rural Affairs carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with relevant Limit Values. It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.*
>
> *Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also*

be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.
Where air quality is a relevant consideration the local planning authority may need to establish:

- *the 'baseline' local air quality, including what would happen to air quality in the absence of the development;*
- *whether the proposed development could significantly change air quality during the construction and operational phases (and the consequences of this for public health and biodiversity); and*
- *whether occupiers or users of the development could experience poor living conditions or health due to poor air quality.*

……..'

A30. NPPG contains a whole section on Travel Plans, Transport Assessments and Statements from paragraph: 001 Reference ID: 42-001-20140306 through to 015 Reference ID: 42-015-20140306.

A31. NPPG contains a whole section on Noise, from paragraph: 001 Reference ID: 30-001-20190722 through to Paragraph: 017 Reference ID: 30-017-20190722. The following paragraphs are particularly relevant.

How can it be established whether noise is likely to be a concern? (paragraph 005 Reference ID: 30-005-20140306)

'……As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused……'

Response	Examples of outcomes	Increasing effect level	Action

Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid

What factors influence whether noise could be a concern? (paragraph 006 Reference ID: 30-006-20141224)

'The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.
These factors include:

- *the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- *……...*
- *for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;……..'*

How can planning address the adverse effects of noise sources, including where the 'agent of change' needs to put mitigation in place? (*Paragraph: 010 Reference ID: 30-010-20190722)*

This will depend on the type of development being considered the type of noise involved and the nature of the proposed location. In general, for developments that are likely to generate noise, there are 4 broad types of mitigation:

- *engineering: reducing the noise generated at source and/or containing the noise generated;*
- *layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;*
- *using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;*
- *mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.*

For noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. It may also be possible to work with the owners/operators of existing businesses or other activities in the vicinity, to explore whether potential adverse effects could be mitigated at source. Where this is the case, it may be necessary to ensure that these source-control measures are in place prior to the occupation / operation of the new development. Where multiple development sites would benefit from such source control measures, developers are encouraged to work collaboratively to spread this cost. Examples of source control measures could include increased sound proofing on a building (e.g. a music venue) or enclosing an outdoor activity (e.g. waste sorting) within a building to contain emissions.

Care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development.

How can the potential impact of aviation activities on new development be addressed through the planning system? Paragraph: 012 Reference ID: 30-012-20190722

'The agent of change principle may apply in areas near to airports, or which experience low altitude overflight, where there is the potential for aviation activities to have a significant adverse effect on new noise-sensitive development (such as residential, hospitals and schools). This could include development in the immediate vicinity of an airport, or the final approach and departure routes of an operational runway, and locations that experience regular low altitude overflight by general aviation aircraft, where this activity could subject residents or occupiers to significant noise, air quality issues and/or vibration impacts. The need for and type of mitigation will depend on a variety of factors including the nature of the aviation activity, location and normal environmental conditions in that context. Local planning authorities could consider the use of planning conditions or obligations to require the provision of appropriate mitigation measures in the new development.'

How can local authorities and airport operators mitigate the environmental impacts of airport expansion? Paragraph: 013 Reference ID: 30-013-20190722

The management of environmental effects associated with the development of airports and airfields is considered in detail in the Aviation Policy Framework. Planning authorities and airport operators are encouraged to work together to develop mitigation measures that are proportionate to the scale of the impact. Development that would increase air movements may require an Environmental Impact Assessment (where it meets the relevant threshold in Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017). It may be appropriate to consider, as part of any proposed mitigation strategy, how operational measures, siting and design of new taxiways, apron and runways, and ground-level noise attenuation measures could reduce noise impacts of expansion or increased utilisation to a minimum.

How can local communities have a say in decisions that could result in new noise arising from aviation? Paragraph: 014 Reference ID: 30-014-20190722

The Civil Aviation Authority has produced guidance on the regulatory process for changing airspace design. The process is separate from the planning process, and gives local communities the opportunity to consider and comment on proposed changes that could affect them. Local communities also have a statutory right to contribute their views at each step in the planning process, including where development of an airport or airfield is proposed within an emerging plan or a planning application is submitted to a local authority. Depending on their nature and scale, applications for airport expansion may be determined through the Nationally Significant Infrastructure Projects regime. Where airport expansion is considered through the planning system, it will be important for decisions to consider any additional or new impacts from that expansion, and not to revisit the underlying principle of aviation use (where the latter has already been established). As part of this process, applicants are required to engage and consult with local communities, local authorities and others from the outset.'

A32. The PS fails to recognise other relevant national policy/guidance. By way of example:

Noise Policy Statement for England (NPSE)

'2.14 It is recognised that noise exposure can cause annoyance and sleep disturbance both of which impact on quality of life. It is also agreed by many experts that annoyance and sleep disturbance can give rise to adverse health effects. The distinction that has been made between 'quality of life' effects and 'health' effects recognises that there is emerging evidence that long term exposure to some types of transport noise can additionally cause an increased risk of direct health effects. The Government intends to keep research on the health effects of long term exposure to noise under review in accordance with the principles of the NPSE.'

*'**The first aim of the Noise Policy Statement for England***

Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.23 The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development (paragraph 1.8).

The second aim of the Noise Policy Statement for England

Mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.24 The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (paragraph 1.8). This does not mean that such adverse effects cannot occur.

The third aim of the Noise Policy Statement for England

Where possible, contribute to the improvement of health and quality of life through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development.

2.25 This aim seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development (paragraph 1.8), recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.'

Air Navigation Guidance 2017 (ANG)

Underpinning this new guidance are a number of key overall objectives. These include to:

……

- *ensure that aviation can continue to make its important contribution to the UK economy and at the same time seek to improve the sustainable development and efficiency of our airspace network;*
- *……*
- *emphasise that the environmental impact of aviation must be mitigated as much as is practicable and realistic to do so.*

The government's key environmental objectives

1.2 The environmental objectives with respect to air navigation are chosen to facilitate the government's overall environmental policies. These environmental objectives are designed to minimise the environmental impact of aviation within the context of supporting a strong and sustainable aviation sector. These objectives are, in support of sustainable development, to:

a. limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise[3];

b. ensure that the aviation sector makes a significant and cost-effective contribution towards reducing global emissions; and

c. minimise local air quality emissions and in particular ensure that the UK complies with its international obligations on air quality.

Assessing the noise implications of proposed airspace changes

3.4 As stated in section 1.2(a) of this guidance, one of the government's three key environmental objectives is to limit and, where possible, reduce the number of people in the UK significantly affected by adverse impacts from aircraft noise.

3.5 For the purpose of assessing airspace changes, the government wishes the CAA to ***interpret this objective to mean that the total adverse effects on people as a result of aviation noise should be limited and, where possible, reduced, rather than the absolute number of people in any particular noise contour****. Adverse effects are considered to be those related to health and quality of life. There is no one threshold at which all individuals are considered to be significantly adversely affected by noise.* ***It is possible to set a Lowest Observed Adverse Effect Level (LOAEL) that is regarded as the point at which adverse effects begin to be seen on a community basis.*** *As noise exposure increases above this level, so will the likelihood of experiencing an adverse effect. In line with this increase in risk, the proportion of the population likely to be significantly affected can be expected to grow as the noise level increases over the LOAEL.* ***For the purposes of assessing and comparing the noise impacts of airspace changes, the government has set a LOAEL of 51dB LAeq16hr for daytime noise and 45dB LAeq8hr for night time noise and the CAA should ensure that these metrics are considered.***

3.11 For communities further away from airports that will not be affected by noise above the LOAELs identified above, it is important that other aspects of noise are also taken into account where the total adverse effects of noise on people between different options are similar. ***Metrics that must be considered for these purposes include the overall number of overflights and number above metrics: N65 for daytime noise and N60 for night time noise.*** *The CAA's overflights metric is a means of portraying those locations where residents will experience being overflown. These supplementary metrics must also be used to inform communities about the likely impact of proposed changes.*

3.12 The CAA should also verify that sponsors have used any other noise metrics that may be appropriate for allowing communities to understand the noise impacts that could result from the proposed change. This could include the use of 100% mode contours for average noise or frequency-based metrics, or consideration of the interaction with other sources of aircraft noise, such as those from other local airports.

Introduction

4.1 For communities living close to airports, and some further away under arrival and departure routes, aircraft noise is one of the most important environmental impacts created by the aviation sector. The ***government's long-term view, most recently expressed in the 2013 Aviation Policy Framework, is that there must be a fair balance between the economic benefits derived from the aviation industry, and the negative impacts of noise for affected communities. The benefits of any future growth in aviation and/or technological development must be shared between those benefitting from a thriving aviation industry and those close to the airports that experience its impacts.****'*

Beyond the Horizon The Future of UK Aviation – Making best use of existing runways June 2018

'1.5 ***The Aviation Strategy call for evidence set out that government agrees with the Airports Commission's recommendation and was minded to be supportive of all airports who wish to make best use of their existing runways, including those in the South East, subject to environmental issues being addressed.*** *The position is different for Heathrow, where the government's proposed policy on expansion is set out in the proposed Airports NPS.*

Call for evidence response summary

1.6 The Aviation Strategy call for evidence document asked specifically for views on the government's proposal to support airports throughout the UK making best use of their existing runways, subject to environmental issues being addressed.

…….
1.8 The main issues raised included the need for environmental issues such as noise, air quality, and carbon to be fully addressed as part of any airport proposal; the need for improved surface access and airspace modernisation to handle the increased road / rail and air traffic; and clarification on the planning process through which airport expansion decisions will be made.

Role of local planning

1.9 Most of the concerns raised can be addressed through our existing policies as set out in the 2013 Aviation Policy Framework, or through more recent policy updates such as the new UK Airspace Policy or National Air Quality Plan. ***For the majority of environmental concerns, the government expects these to be taken into account as part of existing local planning application processes. It is right that decisions on the elements which impact local individuals such as noise and air quality should be considered through the appropriate planning process*** *and CAA airspace change process.*

1.10 Further, local authorities have a duty to consult before granting any permission, approval, or consent. This ensures that local stakeholders are

given appropriate opportunity to input into potential changes which affect their local environment and have their say on airport applications.

Local environmental impacts

1.22 ***The government recognises the impact on communities living near airports and understands their concerns over local environmental issues, particularly noise, air quality and surface access. 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.***

1.23 For the majority of local environmental concerns, the government expects these to be taken into account as part of existing local planning application processes.

1.24 ***As part their planning applications airports will need to demonstrate how they will mitigate local environmental issues, which can then be presented to, and considered by, communities as part of the planning consultation process. This ensures that local stakeholders are given appropriate opportunity to input into potential changes which affect their environment and have their say on airport applications.***

Policy statement

1.25 As a result of the consultation and further analysis to ensure future carbon emissions can be managed, ***government believes there is a case for airports making best of their existing runways across the whole of the UK……..***

1.26 Airports that wish to increase either the passenger or air traffic movement caps to allow them to make best use of their existing runways will need to submit applications to the relevant planning authority. We expect that applications to increase existing planning caps by fewer than 10 million passengers per annum (mppa) can be taken forward through local planning authorities under the Town and Country Planning Act 1990. As part of any planning application ***airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy****. This policy statement does not prejudge the decision of those authorities who will be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.*

1.29 ***Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels. We therefore consider that any proposals should be judged by the relevant planning authority, taking careful account of all relevant considerations, particularly economic and environmental impacts and proposed mitigations. This policy statement does not prejudge the decision of those authorities who will be required***

to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.'

A Green Future: Our 25 Year Plan to Improve the Environment November 2017 HMG

'Over the next 25 years, we must significantly cut all forms of pollution and ease the pressure on the environment. ***We must ensure that noise and light pollution are managed effectively.***'

5.3 The development plan

5.3.1 Moving on from the national level policy frameworks to the local level context, the development plan is the Luton Local Plan 2011-2031 which was adopted by the Council in 2017.

A33. Given that the noise impacts of the Airport and of this planning application are felt much further afield than the administrative boundary of the LBC, the County Council would have expected the Planning Statement to have reviewed and summarised any relevant development plan policies in the wider sub region (Local Plans and Neighbourhood Plans). By way of example:

Stevenage Borough Local Plan 2011-2031 Adopted 22nd May 2019

Climate change, flooding and pollution

Policy SP11: Climate change, flooding and pollution

We will work to limit, mitigate and adapt to the negative impacts of climate change, flood risk and all forms of pollution. We will:
a. ensure new development minimises and mitigates its impact on the environment and climate change by considering matters relating (but not necessarily limited) to the provision of green space, renewable energy, energy efficiency, water consumption, drainage, waste, pollution, contamination and sustainable construction techniques;
b. ensure new development reduces or mitigates against flood risk and pollution;
c. take a sequential approach to development in all areas of flood risk; and
d. protect existing flood storage reservoirs and require new flood storage reservoirs to be provided where appropriate.

5.136 Climate change continues to be a subject that features prominently on the World Stage. As part of our commitment to limiting the Borough's negative impacts on the environment, we will ensure that all new developments are energy efficient; have low water consumption; incorporate appropriate drainage (SuDS); incorporate waste recycling; minimise pollution; remediate contamination; and seek to adopt sustainable construction techniques.

5.143 Stevenage lies under flight paths in and out of London Luton Airport. Airport passenger numbers have grown significantly since the turn of the Millennium and will continue to do so. We will make sure that new development,

particularly to the west of the town, conforms with advice on acceptable levels of exposure to aircraft noise.

Policy HO2: Stevenage West

Land to the west of Stevenage, as defined by the policies map, is allocated for the development of approximately 1,350 dwellings. A Masterplan for the whole site will be required as part of any planning application. The Masterplan must be approved prior to the submission of detailed development proposals for the site.

Development proposals will be permitted where the following criteria are met:
…….
q. The impact of noise pollution from London Luton Airport is mitigated; and
……...

Policy FP7: Pollution

All development proposals should minimise, and where possible, reduce air, water, light and noise pollution. Applications for development where pollution is suspected must contain sufficient information for the Council to make a full assessment of potential hazards and impacts. Planning permission will be granted when it can be demonstrated that the development will not have unacceptable impacts on:
a. The natural environment, general amenity and the tranquillity of the wider area, including noise and light pollution;
b. Health and safety of the public; and
c. The compliance with statutory environmental quality standards.

13.41 Air, water, light and noise pollution arising from new development can individually and cumulatively have a significantly damaging impact on the countryside, on peoples' living environment and on wildlife. Whilst lighting is desirable for safety, recreation and the enhancement of some buildings, inappropriate lighting can cause sky glow, glare and light spill and represents energy waste.

13.42 We will seek to ensure that levels of pollution are kept to a minimum and are acceptable to human health and safety, the environment and the amenity of adjacent or nearby land users. Environmental Health legislation regulates many forms of pollution, but it is clearly preferable to prevent conflict from new development arising in the first place. The weight given to each criterion will depend on the particular circumstances and relevant control authorities will be consulted as necessary.

Policy FP8: Pollution sensitive uses

Planning permission for pollution sensitive uses will be granted where they will not be subjected to unacceptably high levels of pollution exposure from either existing, or proposed, pollution generating uses. Planning permission in areas having the potential to be affected by unacceptable levels of aircraft noise will be subject to conditions or planning obligations to ensure an adequate level of protection against noise impacts.

13.45 Pollution sensitive uses, such as housing, schools and hospitals, should ideally be separated from pollution generating uses, such as industrial units and airports, wherever possible.

13.46 Stevenage is located in close proximity to London Luton Airport and is, therefore, affected by aircraft noise generated from it. The direction of the runway means that some planes fly over Stevenage to take off and land. However, national guidance defines the levels of noise experienced as being acceptable. An application has been granted for work to facilitate the growth of London Luton Airport. This would see the airport cater for up to 18 million passengers per annum before the end of our Local Plan period.

13.47 Noise contours identified in the London Luton Noise Action Plan, 2013 - 2018, extend in close proximity to the western extent of the proposed development west of Stevenage. Development in this area, particularly, will need to ensure that any noise impacts are mitigated.

Dacorum Core Strategy 25th September 2013

'Pollution and Waste Management

18.33 The planning system plays a key role in the location and standard of development. Together with other consent regimes and processes, it can limit the impact of (and prevent) polluting emissions – i.e. noise, light, fumes, chemicals, noxious and hazardous substances and waste in general. Standards set nationally should continue to be achieved. When standards become more stringent, efforts must be made to enhance the quality of the air, water and/or soils.

18.34 In Dacorum special consideration needs to be given to:

- *the quality of the groundwater supplying the chalk aquifer;*
- *protecting the habitat and biodiversity of chalk streams;*
- *the maintenance of higher quality agricultural areas and the sand and gravel belt;*
- *limiting the effects of noise and air pollution along major routes (i.e. road, rail and aircraft from Luton Airport);*
- *retaining tranquil parts of the Chilterns Area of Outstanding Natural Beauty and Boarscroft Vale; and*
- *the risks associated with Buncefield Oil Terminal.*

18.35 The planning system has a role to play in the minimization of waste at or near source and in the disposal of household, commercial and construction waste. Unnecessary waste should be reduced and managed nearer to its source. To avoid unnecessary waste going to landfill sites, developers will be expected to avoid potentially polluting developments, the creation of additional waste, and the location of new development near existing sources of pollution. Where waste is unavoidable it will need to be transferred and managed. Waste recycling and management will be appropriate in many General Employment Areas. New facilities may be provided through the relocation of the existing

Household Waste Recycling Centre and Waste Disposal Centre in East Hemel Hempstead.

……..

POLICY CS32: Air, Soil and Water Quality

Development will be required to help:

(a) support improvements in identified Air Quality Management Areas and maintain air quality standards throughout the area;
(b) maintain soil quality standards and remediate contaminated land in line with Environment Agency, Defra and Natural England guidance; and
(c) improve water quality standards in line with the Water Framework Directive, Environment Agency and Natural England guidance.

Any development proposals which would cause harm from a significant increase in pollution (into the air, soil or any water body) by virtue of the emissions of fumes, particles, effluent, radiation, smell, heat, light, noise or noxious substances, will not be permitted.

Advice on the storage and handling of hazardous substances will be taken from the Health and Safety Executive.'

North Hertfordshire District Council Local Plan 2011-2031
Proposed Submission October 2016

'Policy SP19: Sites EL1, EL2 and EL3 – East of Luton

Land to the east of Luton, as shown on the Proposals Map, is allocated as a Strategic Housing Site for a new neighbourhood of approximately 2,100 homes.

Planning permission for residential-led development will be granted where the following site-specific measures requirements are met:

……..
j. Appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces;

……..

4.224 The site is in close proximity to the Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path.

King's Walden

Infrastructure and mitigation

13.180 Breachwood Green is located on the approach and departure flightpaths from Luton airport and any schemes will need to demonstrate that noise issues

have been appropriately addressed and that internal noise levels within any new homes are within relevant guideline levels.

Policy D3: Protecting living conditions

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.

Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

9.19 All development has the potential to have an adverse impact on its neighbours, in a wide variety of ways. Such harm may arise from traffic generation, parking, loss of daylight and sunlight, noise, overlooking, pollution (including light pollution) and dominance as well as other issues.

9.22 There are two ways mitigation may occur. Either the development can incorporate measures to reduce the effect it has, or it can fund works off site to reduce the impact on those affected by it. This latter course of action may be appropriate for development such as the expansion of airfields, where there will inevitably be an increase in noise, but it may be possible to provide sound protection to those buildings affected by that noise.'

Noise and Vibration

5.47 Noise can have a detrimental effect on the environment and on quality of life. PPG 24 'Noise' provides guidance on the use of planning powers to minimise the adverse impact of noise. In accordance with that advice the Council will seek to ensure that noise-sensitive developments, such as housing, are separated from major sources of noise. It will also seek to ensure that new development with a potential for causing noise nuisance is sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472:1992 will be used to evaluate exposure to vibration in buildings. The Council has powers under Environmental Health legislation in respect of statutory noise nuisances.

5.48 In considering proposals for development the Council will take into account:

- *Possible future increases in noise levels;*
- *That the introduction of noisy activities into some residential and rural areas can be especially disruptive because of their existing very low background noise levels;*
- *That intermittent sources of noise can be more disruptive than constant sources;*
- *That particular difficulties are posed by fast food restaurants, public houses, night clubs etc, both from noise generated within the*

establishments and by customers in the vicinity, traffic and parking, especially in view of their evening and late night activity;

- *That whilst design measures such as orientation, layout and double-glazing can reduce noise levels within buildings, such measures are less effective in reducing the level of noise experienced in public or private amenity areas.'*

Welwyn Hatfield District Plan 2005

'Policy R19 - Noise and Vibration Pollution

Proposals will be refused if the development is likely:

v. To generate unacceptable noise or vibration for other land uses; or
vi. To be affected by unacceptable noise or vibration from other land uses.

Planning permission will be granted where appropriate conditions may be imposed to ensure either:

vii. An adequate level of protection against noise or vibration; or
viii. That the level of noise emitted can be controlled.

Proposals should be in accordance with the Supplementary Design Guidance.'

Welwyn Hatfield Draft Local Plan Proposed Submission August 2016

Policy SADM 18
Environmental Pollution

When considering development proposals, the Council will adopt the approach set out below to ensure that pollution will not have an unacceptable impact on human health, general amenity, critical environmental assets or the wider natural environment.

<u>Contaminated land and soil pollution</u>

Planning applications for proposals on land formerly used for industrial, commercial or utilities purposes, or land which is considered to be contaminated or potentially contaminated, must be accompanied by a preliminary Contaiminated Land Risk Assessment.

Proposals which, by their nature, risk contributing to soil and water pollution will be required to demonstrate how this risk will be avoided or mitigated to an acceptable level.

……..

<u>Noise and Vibration</u>

A Noise and Vibration Impact Assessment will be required for proposals with the potential to cause disturbance to people or the natural environment due to noise and/or vibration and for proposals that are considered to be sensitive to noise and/or vibration. Proposals that would result in or be subject to noise pollution and/or vibration that is:

i. Very disruptive and would have an unacceptable adverse effect on human health or the natural environment will not be permitted.

ii. Disruptive and would have a significant adverse effect on human health of the natural environment will be refused unless the need for, and benefits of, the development significantly outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.

iii. Intrusive and would have an adverse effect on human health or the natural environment will be resisted unless the need for, and benefits of, the development outweigh the harm and all feasible solutions to avoid and mitigate that harm have been fully implemented.

Justification

12.57 The National Planning Policy Framework outlines the role planning has in creating has in creating healthy places and to prevent unacceptable risks to health and the environment arising from pollution.

12.58 National planning policy establishes the objective for planning and new development to support healthy inclusive communities[(73)] and to prevent unacceptable risks to human health, the natural environment and general amenity arising from pollution (para 120). Planning should aim to avoid unacceptable and significant adverse impacts on health, quality of life and the natural environment associated with new and existing development[(74)].

……

<u>Noise and vibration</u>

12.67 Noise and vibration can have a detrimental effect on health and the natural environment. National planning policy requires local policies to avoid giving rise to unacceptable noise impacts and give careful consideration to proposals that would have significant adverse effects. SADM 18 adopts a hierarchical approach to achieve this.

12.68 The siting, layout, landscaping and detailed building design of proposals, coupled with other noise-specific mitigation measures, should seek to avoid and minimise the adverse impacts of noise and vibration rather than rely upon expensive and ineffective retrospective measures. The Council will seek to

ensure that noise-sensitive developments, such as housing, schools, residential and nursing homes, are separated from major sources of noise both to protect new occupiers and users and to avoid prejudicing existing development and uses. The Council will also seek to ensure that new development with a potential for causing noise nuisance are sited away from noise-sensitive land uses, both existing and known proposed developments. Noise can be accompanied by vibration that can cause disturbance. British Standard 6472-1:2008 Evaluation of human exposure to vibration within buildings will be used to evaluate exposure to vibration.

12.69 In considering noise pollution and vibration aspects of proposals, the Council will take into account:

- *Possible future increases in noise levels.*
- *The introduction of noisy activities into some residential and rural areas that have very low background noise levels.*
- *The nature of noise sources, such as intermittent sources of noise which can be more disruptive than constant or anonymous source, and uses such as fast food restaurants, public houses and night clubs which generated noise from within the establishments and through the activities of users within the immediate area in the evening and late night activity;*
- *That whilst design measures such as orientation, layout and double glazing can reduce noise within buildings, such measures are less effective in reducing the level of noise experienced in external amenity areas. As far as possible residents should have access to a peaceful (below 50dBA Leq) external amenity space*
- *Traffic associated with 24 hour warehousing and distribution, and other uses which give rise significant HGV and other traffic generation.*
- *Noise issues created by the use and operation of development itself, such as plant and services.*

The East Herts District Plan 2018

'24 Environmental Quality

24.1 Introduction

24.1.1 The control of pollution is critical to achieving the District Plan's strategic objectives by promoting healthy lifestyles and an enhanced quality of life for residents and visitors to the district. Pollution control through development also plays a significant role in planning for climate change and working in harmony with the environment to conserve natural resources and increase biodiversity.

24.1.2 Proposals for all types of development must therefore take into account nearby land uses to ensure that the right development is located in the right place across the district, in order to safeguard the quality of the environment. Policies relating to water quality and water pollution are contained within Chapter 23: Water.

……

24.3 Noise Pollution

24.3.1 The impact of noise on the environment can be detrimental to health and quality of life. There is therefore a need to control the introduction of noise sources into the environment, as well as ensuring that new noise sensitive development is located away from existing sources of significant noise……...

Policy EQ2 Noise Pollution

I. Development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health.

II. Applications should be supported by a Noise Assessment in line with the Council's Noise Assessment Planning Guidance Document.

III. Noise sensitive development should be located away from existing noise generating sources or programmed developments where possible to prevent prejudicing the continued existing operations. The use of design, layout, landscaping tools and construction methods should be employed to reduce the impact of surrounding noise sources.'

Policy LLP31 – Sustainable Transport Strategy

5.3.11 The strategy for sustainable transport in Luton is to ensure that an integrated, safe, accessible, and more sustainable transport system supports the economic regeneration and prosperity of the town. Part D of the policy specifically provides "support for the continued economic success of LLA as a transport hub which will be delivered through:

- *Measures to ensure there is capacity at strategically important junctions.*
- *Continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy".*

Policy LLP31 – Sustainable Transport Strategy

5.3.11 **The strategy for sustainable transport in Luton is to ensure that an integrated, safe, accessible, and more sustainable transport system supports the economic regeneration and prosperity of the town. Part D of the policy specifically provides "*support for the continued economic success of LLA as a transport hub which will be delivered through:***

- ***Measures to ensure there is capacity at strategically important junctions.***
- ***Continued enhancement of sustainable modes of transport via the Airport Surface Access Strategy".***

A34. But other aspects of the policy are also relevant:

'B. Planning Permission will be granted for proposed developments that meet the criteria below, where these are relevant to the proposal:
i. minimises the need to travel;

ii. provides a sustainable transport choice with priority for buses, pedestrians, and cyclists;
iii. reduces road congestion particularly at peak times;
iv. reduces the safety risk to motor vehicles, non-motorised, and vulnerable users;
v. provides cycle parking / storage; and
vi. ensures the quality of the local environment is not compromised.

C. Transport Assessments, Transport

Statements, and Travel Plans should be provided for developments (as set out in Appendix 7) and should conform to the stated requirements.'

5.4 Policy conclusions

5.4.1 The development plan recognises that LLA is one of the key economic drivers for the borough and the wider regions. It is critical to the achievement of jobs and prosperity which the plan seeks to deliver. Policy support is therefore provided to support LLA's growth provided that the associated increase in operational activities such as passenger and aircraft movements do not adversely affect the amenities of surrounding occupiers and the environment.

A35. At no point does the development plan describe LLA as being 'critical' to the achievement of jobs and prosperity. Support for growth of LLA is supported by the development plan, but this is quite obviously not conditional upon only not adversely affecting 'amenities' – it requires noise reduction/no material increase in noise, a significant dimunition and betterment of aircraft operations, sustainable transportation and surface access measures, etc, etc.

5.4.2 Such policy support accords with the Government's overarching planning and aviation policy frameworks to balance the three interdependent objectives of economic, social and environmental prosperities by encouraging the MBU policy in the aviation sector. The assessment of the impacts arising from the Proposed Amendments is set out within the following section.

A36. Government policy does not state that the MBU policy is to balance 'the three interdependent objectives of economic, social and environmental prosperities' (whatever 'prosperities' is supposed to mean). In reality it states that *'1.25 As a result of the consultation and further analysis to ensure future carbon emissions can be managed, government believes there is a case for airports making best of their existing runways across the whole of the UK……. 1.29 Therefore the government is supportive of airports beyond Heathrow making best use of their existing runways. However, we recognise that the development of airports can have negative as well as positive local impacts, including on noise levels.'*

6. Planning Assessment

6.2 Principle of Development

'6.2.1 The proposed increase in passenger capacity at LLA would help achieve the national MBU aviation policy goal, as the airport would grow and deliver the benefits of growth by making best use of its existing runway. The Government

is explicitly supportive of airports beyond Heathrow making best use of their existing runways as noted in the Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018). In that document, the Government recognises an accelerated growth in UK demand for flying particularly around London and forecasts how airports making best use of their existing runway alongside the new Northwest Runway at Heathrow (Runway 3) could lead to accommodating the increasing demand as shown Figure 6.1 below (in a table extracted from the document). The Proposed Amendments at LLA would aid this goal.

A37. Paragraph 6.2.1 refers to Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018) a key piece of Government policy for this planning application – and yet it isn't even mentioned in Section 5.2 of the PS dealing with *'the relevant development plan for LC in the context of national policy frameworks across aviation and planning'*.

A38. With regard to Figure 6.1, apart from the final column 'LHR NWR + best use' the figures in the other three columns come from the 2017 national aviation forecasts which assume a throughput at Luton of 18mppa, that being the consented throughput. As the Figure demonstrates, the LHR NWR + best use scenario at 2030 does not include any additional best use capacity over and above the LHR NWR base (which includes 18mppa at LLA). There is therefore no assumption within this Government policy document that a best use policy is intended to provide additional capacity above baselines in the period to 2030 or indeed that any is needed.

Table 6.1 Assessment against Policy LLP6

ii. they contribute to achieving national aviation policies;	**The Proposed Amendments are in accordance with the APF which supports the growth of regional airports across the UK and making better use of existing runways at all UK airports to improve performance, resilience and passenger experience,**

A39. The assessment only refers to the APF – there is no assessment of the compatibility of the proposal with any other aspect of national guidance.

iii. are in accordance with an up-to-date Airport Master Plan published by the operators of London Luton Airport and adopted by the Borough Council;	**An up-to-date Masterplan produced by LLAOL for 19 mppa is submitted as part of the accompanying application and the Proposed Amendments are in accordance with this document.**

A40. An up-to-date MP has indeed been submitted with the application. However, the assessment fails to acknowledge that the MP has not been adopted by LBC. Interestingly, unlike the assessment of other criteria, this assessment does not conclude *'It therefore complies with this criterion'* – and the reason for this of course is that it cannot.

iv. they fully assess the impacts of any increase in Air Transport 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;	**The supporting ES Addendum assesses the environmental impacts of the Proposed Amendments. The ES Addendum found that there would be significant adverse effects in relation to noise and health. Noise insulation would be offered to minimise the effects of noise to those properties above the SOAEL.** **In terms of air quality and climate change the ES Addendum found there would be no unacceptable impacts. The Proposed Amendments therefore complies with this criterion.** **The environmental impacts of the Proposed Amendments are considered further in this Planning Statement in section 6 below.**

A41. The ES does not describe the proposal as generating *'no unacceptable impacts'*. There are impacts that are described as *'……the effect of the Proposed Scheme during ……would be significant'* and in relation to mitigation states *'……existing mitigation and enhanced mitigation are sufficient to meet the Government's policy aim to mitigate and minimise adverse impacts on health and quality of life as stated in the NPSE'*.

v. achieve further noise reduction or no material increase in day or night time noise or otherwise cause excessive noise including ground noise at any time of the day or night and in accordance with the airport's most recent Airport Noise Action Plan;	**The supporting ES Addendum assesses the noise effects of the Proposed Amendments. It concludes that the Proposed Amendments will not cause unacceptable adverse noise effect for any properties. However, expansion will result in significant noise effects above 1dB at night-time compared to the existing situation. Therefore these are considered to have the potential significant effects. Whilst 1,877 dwellings will experience noise levels that are considered significant, all of those properties will be offered mitigation in the form of noise insulation to minimise the effects of noise.** **The Proposed Amendments therefore complies with this criterion.**

A42. The assessment describes the scale of significant effects of the increase in noise associated with the proposal and then puzzlingly goes on to conclude the proposal complies with the criterion – presumably because noise insulation is offered for mitigation. But the criterion makes no reference to mitigation – it simply states that proposals must achieve a noise reduction or no material increase. The proposal will not result in 'reduction' in noise and the increases in noise associated with it are clearly 'material'. The proposal cannot be other than in conflict with this criterion.

A43. The assessment makes no mention of the compliance of the proposals with the most recent Airport Noise Action Plan as required by criterion v. That NAP contains a range of commitments that are consistent with achieving the requirements of the

existing planning permission. The proposals can only be fundamentally in conflict with it.

vi. include an 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;	**Luton Airport will continue to operate its noise control, monitoring and management scheme, in accordance with its Noise Action Plan and operational measures to minimise noise effects. The Proposed Amendments would therefore continue to comply with this criterion**

A44. The criterion requires the provision of an effective noise control, monitoring and management scheme. The assessment simply refers to a range of existing schemes, some of which this application is in conflict with and indeed propose to change. It is necessary to establish whether the proposed noise control, monitoring and management scheme will achieve the objectives of this criterion.

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 ES Addendum explains that noise levels will reduce by 2028. Properties that experience an increase in noise above the SOAEL will be offered mitigation in the form of noise insulation to minimise the effects of noise. With this mitigation, the Proposed Amendments therefore comply with this criterion.**

A45. The assessment against this criterion is ridiculous. The application is partly generated by the inability of the Airport to contain its adverse noise impacts and partly to increase noise impacts associated with existing permitted growth of 18 mppa and the proposed additional 1 mppa capacity growth to 19 mppa. So in the immediate and forthcoming short to medium term the proposal can only be in conflict with this criterion – it will not result in a significant diminution or betterment – the opposite in fact.

A46. In the longer term, the existing planning permission to 18 mppa requires the application to submit a strategy to reduce the size of day and night noise contours by 2028 to within specific spatial extents. This application seeks to change the wording of the consent such that those 2028+ contours are larger. So in the longer term, whilst a reduction in noise contours is to be achieved in the same way as the existing planning permission, that reduction will be smaller than those that are required by the existing planning permission.

A47. On any reading of this criterion, the application can only be in conflict with it.

6.4 Socioeconomic impacts

6.4.3 The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission).

A48. The application does not appear to make any attempt to quantify the scale of the 'more' economic benefits.

6.4.4 LLA intends to provide one-off grants between £12,000 and £15,000 to local councils to be used to provide community improvements.

A49. There does not appear to be any intelligence within the application explaining how these grants are to be calculated, which local councils will be eligible and how the scheme is proposed to be operated and how the consent will secure provision of the grants.

Air quality

Planning Policy

6.5.2 Policy LLP6 requires that expansion at the airport must fully assess the impacts of any increase in Air Traffic Movements on air quality. Policy LLP38 requires that evidence is produced to demonstrate whether the development will have an adverse impact on air quality.

A50. Paragraph 6.5.2 makes no reference to relevant national policy.

Climate Change

Mitigations

6.5.27 The adoption of mitigation measures (as set out in the Carbon Reduction Plan) to reduce airport building and ground operation emissions, and the Travel Plan to reduce surface access emissions, would enable the GHG emissions associated with the Proposal to be mitigated where possible.

6.5.28 LLAOL has also committed to produce a Carbon Reduction Plan. This will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application. The three categories (Scope) of emissions are as follows: ……..

Summary

6.5.30 The proposed scheme:

- **Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO2/yr 'planning assumption' for UK international aviation GHG emissions in 2050.**
- **Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.**
- **Is unlikely to materially affect the ability of LC to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.**

- **Is consistent with the NPPF requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.**

6.5.31 The Proposed Amendments are considered to have a low GHG emissions magnitude, and the overall effect of projected GHGs associated with the Proposed Amendments on the global climate is considered minor adverse, and therefore not significant based on the commitment for further mitigations. The proposal is therefore considered to be in compliance with Policy LLP37 and LLP38 of the development plan and the NPPF.

A51. The Environmental Statement states that:

'7.11.25 …….. An outline version of the Carbon Reduction Plan will be produced during the consideration of this ES, and ahead of the determination of the planning application……...

7.11.26 On the basis of the commitment to produce a Carbon Reduction Plan, the scale of GHG emissions from the Proposed Scheme are such that they will have a negligible effect on the ability of the UK to meet its carbon targets. Additionally, the scale of GHG emissions from the Proposed Scheme are such that they are unlikely to affect the ability of Luton Borough Council to meet its carbon neutral borough aim.

7.11.30 The mitigations set out in Section 7.8, show that the GHG emissions associated with the Proposed Scheme have been mitigated wherever practicable, with a further commitment to producing a Carbon Reduction Plan as described in further detailed in Section 7.13. The Carbon Reduction Plan will be required to set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target, and how LLA will use its influence to reduce Scope 3 emissions where possible.

7.11.32 Therefore, the Proposed Scheme:

- *Is very unlikely to materially affect the ability of the UK Government to meet the 37.5 MtCO2/yr 'planning assumption' for UK international aviation GHG emissions in 2050.*
- *Is unlikely to materially affect the ability of the UK Government to meet its carbon targets for net zero in 2050, on the basis that a Carbon Reduction Plan is produced.*
- *Is unlikely to materially affect the ability of Luton Borough Council to meet its carbon neutral borough by 2040 aim, on the basis that a Carbon Reduction Plan is produced.*
- *Is consistent with the National Planning Policy Framework (NPPF) requirement for developments to 'support the transition to a low carbon future in a changing climate', on the basis that a Carbon Reduction Plan is produced.*

7.13 Consideration of additional mitigation

7.13.2 A Carbon Reduction Plan will be produced which will set out the roadmap for achieving a net zero airport for Scope 1 and 2 emissions, as well as indicating the approaches by which LLAOL can influence Scope 3 emissions.

An outline version of the Carbon Reduction Plan will be set out ahead of the determination of the planning application by LBC.

Airport building and ground operations

7.13.4 Through the Responsible Business Strategy, LLAOL has committed to being aligned with the UK net zero target for 2050. LLAOL has therefore committed to develop a Carbon Reduction Plan, which will set out the ambition and actions required for ensuring LLA's Scope 1 and 2 emissions are in-line with the UK net zero 2050 target. An outline version of the Carbon Reduction Plan will be produced during consideration of the ES, and ahead of determination of the planning application. The full version would be provided following planning approval, as a time-bound condition of the planning permission. This forms part of the wider commitment to reaching more ambitious levels of certification within the Airport Carbon Accreditation Scheme, which would ultimately result in carbon neutral operations.'

A52. Both the PA and ES make reference to the preparation and availability of a CRP to inform decision-making, but make no reference to it being consulted on.

A53. The ES states that the requirement to produce a full version of the CRP will be secured as a 'time-bound condition' of the planning permission. But the PS makes no reference to this commitment or produce any proposed wording, unless it does in the case of restricting maximum terminal flow capacity levels to safeguard processing capacity at the East Hyde sewage treatment works (PS para 6.3.11).

A54. If the findings of the ES are predicated on the production of an outline CRP in advance of determination, that Plan should be consulted upon and views on it taken into consideration in the determination of the application.

Health

Health Mitigation Measures

6.5.38 In order to minimise effects on health, LLAOL will increase contributions to the Noise Insulation Fund with an increased budget of £400,000 in 2021, £900,000 in 2022 and £700,000 in 2023.

Summary

6.5.39 Overall, the ES Addendum demonstrates that the Proposed Amendments will have significant adverse effects on health due an increase in noise. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures. With this mitigation the Proposed Amendments are compliant with the NPPF and the development plan.

A55. The sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows

and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

Noise

Planning Policy

6.5.40 In the ES the assessment of noise considers the effects on occupiers of residential properties and non-residential premises within the vicinity of the airport from changes in the noise environment as a result of the Proposed Amendments.

6.5.41 The planning policy context pertaining to noise is set out in Policy LLP6 of the development plan and paragraph 170 of the NPPF.

A56. Paragraphs 6.5.40 and 41 make no reference to relevant national policy.

6.5.49 Overall, the ES identifies that no properties will experience unacceptable noise levels and no properties will experience a significant adverse effect from the Proposed Amendments in the day. However, the expansion will lead to significant noise effects at night-time because of an increase in noise compared to the existing situation above a level that is identified to have potential significant health effects. In order to minimise this effect, all properties that will experience a level that is identified to have potential significant health effects will be eligible for noise insulation to minimise the effects of noise. In addition, the airport will continue to implement current noise mitigation measures.

6.5.50 With this mitigation the Proposed Amendments accords with Policy LLP6 of the Development Plan and the NPPF.

A57. The sound insulation offer of an additional £1.7 million only seeks to provide additional mitigation to three quarters of those properties subject to significant adverse effects (based on likely uptake). And as the ES acknowledges, these measures can only minimise the increase in noise and potential adverse health effects when windows and patio doors are closed and as a consequence there would still be a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

8. Conclusion

8.1.2 National aviation policy and the Development Plan support growth and development at Luton Airport, provided that environmental effects are controlled and noise effects are minimised. The NPPF also makes clear that significant weight should be placed on the need to support economic growth. The proposal will enable Luton Airport to grow beyond 18 mppa to 19 mppa thereby supporting the economy and local jobs. The Proposed Amendments will ensure that Luton Airport continues and enhances its role as the principal international gateway for the region and a significant economic driver.

A58. National aviation policy does not specifically support growth and development at Luton Airport – it generally supports making best use of existing runways but that

individual proposals should be judged on their individual merits. There are no references to 'Controlled' in national or local policy. The application makes no assessment of the economic benefit or additional local jobs created by the proposed additional 1 mppa.

8.1.6 In order to minimise this effect, all properties that will experience a level that is identified in planning policy to have a significant observed adverse effect will be offered mitigation in the form of noise insulation to minimise the effects of noise. The Proposed Amendments therefore complies with this criterion.

A59. What criterion?

A60. See paragraphs A55 and A57 .

6.4.3 The Proposed Amendments would deliver <u>more</u> economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission). [emphasis added]

A61. Whether or not the economic benefits are 'more' or 'significant' they do not appear to be quantified.

8.1.9 In conclusion, whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations. In-line with the presumption in favour of sustainable development advanced in the NPPF, it is respectfully submitted that the proposal to increase the annual passenger cap from 18 mppa to 19 mppa be granted planning permission.

A62. 'Some adverse effects' – should read 'significant adverse effects'. See para A55. and A57. with regard to scale and effectiveness of mitigation measures.

A63. It would be reasonable to assume that additional growth at the Airport will generate some economic benefit. But if the applicant is reliant on that economic benefit to allege that it compensates for, counterbalances or outweighs environmental disbenefit, it is incumbent upon it to assess/quantify those alleged benefits.

A64. But the application is not accompanied by any assessment of the economic benefits associated with the proposal. Only generic information is provided in relation to the existing economic attributes of the Airport.

A65. In the absence of any intelligence relating to the additional economic benefits specifically relating to the additional proposed 1 mppa throughput, it is inappropriate to allege that economic benefit outweighs environmental disbenefit.

Appendix 2
HCC response to the application
comprising a letter from Councillor Stephen Boulton dated 27 October 2021

Executive Member
Growth, Infrastructure & Planning

Hertfordshire

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27th October 2021

Dear Sir/Madam,

Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

London Luton Airport, Airport Way, Luton.

21/00031/VARCON

Since submission of its original representations (dated 11th June 2021) on this application the County Council has been closely following the exchanges between the local planning authority (LPA) and its specialist technical advisors, the applicant and third parties in relation to further intelligence and clarification provided by the applicant on its proposals.

Significant adverse noise effects

None of the intelligence/clarification changes the County Council's position that the noise impacts of the proposal are so significant as to be totally unacceptable and that accordingly the application should be refused. As the LPA's specialist noise advisor observes:

> *'1.2 Following a Regulation 25 request by Luton Borough Council, Wood Group issued an update to Volume 2 of the ES, including revisions to Chapter 8 dated May 2021. I have reviewed the revised document, and consider that the following concerns have largely been addressed:*

……

1.3 This does not alter the overall findings with respect to noise impact, and attention is drawn to the following issues:

If permitted, the application is forecast to give rise to significant adverse noise effects at 1,877 dwellings by virtue of night-time noise level increases of more than 1dB arising in locations exposed to average noise above the SOAEL (55dB LAeq,8h). This is not, in itself, a reason for refusal subject to appropriate mitigation being provided. However, it is indicative of the scale of noise effects associated with this application……..'

Sound Insulation Grant Scheme

The removal of the limit on eligibility for Sound Insulation Grant Scheme is welcomed, but of course it remains the case that it will not be practical to insulate all those that will be subject to significant adverse noise effects – as the LPA's specialist noise advisor observes *'……'SIGS being provided in advance of the significant adverse effects occurring. This is unlikely to happen in practice.'*

Forecasting/Impact assessment scenarios

There have been exchanges between the LPA, the applicant and third parties with regard to matters relating to forecasting of future operations that amongst other matters underpin noise modelling and the 'without development'/ 'extent of the existing 18 million passengers per annum (mppa) Condition 10' scenario against which the noise impacts of the proposal have been assessed. To the County Council's knowledge, these matters have not been resolved to a satisfactory degree to enable a robust decision on the proposals to be made. The exchanges have not resolved the LPA's noise adviser's concerns:

'2.2 I accept that the noise case rests on the expected effects arising in future years for which operating numbers are forecast. Wood explain the basis on which fleet replacement assumptions have been made and I do not take issue with it. So far as the total operating numbers are concerned, in the absence of contrary advice from an aircraft forecasting expert I have no basis for disputing the figures. I would note, however, that the retention of a clearly infeasible number for 2020 does not enhance the credibility of the numbers forecast.'

The County Council understands that the LPA is not seeking any further clarification to inform its decision-making and will be reporting the application to committee in due course. The Secretary of State has already been asked to call the application in for his own determination and prevent the LPA granting planning permission for the proposal until he has had such time as is necessary to decide whether to call the application in – and part of the reason for this relates to forecasting/assessment uncertainty.

The County Council will expect any committee reporting process to clearly set out the basis and robustness of the forecasting and provide clear advice to committee that the noise impacts of the proposal are based upon a comparison of the forecast impacts

were permission to be granted against the most realistic ‘without development’/’extent of the existing 18 mppa Condition 10’ scenario. Securing independent advice would be of some considerable benefit to ensure committee is suitably informed and to prevent any concerns that might materialise in terms of the robustness of any decision.

It is the County Council’s position that this application should be refused for the reasons set out in its original 11th June 2021 and this follow-up representation.

Yours sincerely,

Stephen Boulton

Executive Member
Growth, Infrastructure & Planning

Appendix 3
HCC response to the application
comprising a letter from Councillor Stephen Boulton dated 25 November 2021

Executive Member
Growth, Infrastructure & Planning

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25th November 2021

Dear Sir/Madam,

Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

London Luton Airport, Airport Way, Luton
21/00031/VARCON

1. The County Council has taken the opportunity to review the published report (the 'Report') to 30th November Development Management Committee (the 'Committee') in relation to the above and takes the view that the Report does not form a sufficiently robust basis to enable the Committee to come to a properly informed view and decision upon the planning application before it. The reasons for this are set out below.

With/without development scenarios

2. The Report points to the concerns of a number of parties making representations on the application that it fails to provide sufficient clarity on the 'with' and 'without' development scenarios. In response the Report points to the commitments of the major airlines operating from Luton to the acquisition of the new generation aircraft *'……..the fleet mix for the assessment years has been provided Appendix 8B. This shows a steady reduction in the number of movements by the older generation aircraft and a corresponding increase, both in the daytime and night-time, of the movements by the new generation aircraft (the A320neo, A321neo and the B737max)'*. But this does not provide the clarity sought by representors and is likely to

mean very little to Committee members who are collectively charged with making a properly informed decision.

3. Given that the Airport has been unable to operate upwards to and very nearly at 18 million passengers per annum (mppa) without breaching the Condition 10 noise controls of the 18 mppa planning consent, it is not unreasonable – indeed it is imperative - for the reporting and decision-making process to provide absolute clarity on the anticipated 18 mppa consent-compliant scenario (without development – contours not exceeding 19.4 sq km 57dB LAeq(16hr) (0700-2300hrs) contour for daytime noise, 37.2 sq km (48dB Leq(8hr) (2300-0700hrs) contour for night-time noise, reducing to 15.2 sq km and 31.6 sq km respectively by 2028), the 19 mppa scenario (with development) and how the difference between the two generates a 'worst case scenario' to demonstrate the maximum significant adverse noise impact of the planning application/inform the contributions sought to the Noise Insulation Grant Scheme.

4. The County Council's representations have called for the local planning authority (LPA) to commission independent advice on this matter so that Committee can be as confident as can reasonably be expected that the worst case significant adverse noise impact of the proposal has been robustly assessed.

Master Plan

5. The County Council's June representations on this planning application rehearsed a range of concerns it had made to the applicant when it consulted on its Master Plan, advising the LPA that:

> *'1.18 The Master Plan (MP) is considered not to be fit-for-purpose in its current form and requires further work and consultation.*
>
> *1.19 The master plan preparation and approval process should be completed before the planning application is determined.'*
>
> *4.5 The County Council is of the view that LBC does not adopt the MP until such time as it is revised to sit more comfortably with Government guidance and the above other issues raised by the County Council.'*

6. Despite having been submitted some ten months ago as part of the planning application, to the County Council's knowledge the Master Plan remains unchanged and there has been no further engagement on it with the applicant by Luton Borough Council (LBC).

7. The Master Plan was reported to Executive for adoption on 23rd November 2021, only seven days before the planning application is to be reported to Committee. The report to Executive does not appear in any way to advise on the merits or otherwise of the Master Plan – whether it is consistent with Government policy, with LBC's own policy aspirations or indeed advise Executive on the LBC response to the consultation on the Master Plan and whether those comments have been addressed. It simply states:

'9. The Airport Master Plan 2021 has been prepared and published by the airport operator. Adopting the Airport Master Plan will assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport.'

8. Whilst the report to Executive is clear that the Master Plan will not be a Supplementary Planning Document or a Development Plan Document, it will nevertheless '*assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport'*. The Council will no doubt have taken procedural advice on whether or not such a key document to support the in-force Luton Local Plan should be subject to some form of independent public consultation by the local authority. But even if this were not the case (it is acknowledged that there is no expectation in the Aviation Policy Framework that it should), the Report to Committee should presumably advise on the extent to which the application is consistent with the Master Plan to assist it *'in carrying out its functions'*. But the report does not appear to do this.

The scale of alleged economic benefits

9. The County Council's representations on the application have expressed concern that it has failed to undertake a robust assessment of the economic benefits of the proposal and presented alleged economic benefits inconsistently (being variously described as 'significant', 'more', 'could be potential for'). Instead it contains vague generic statements about the economic benefits of aviation and of the Airport that do not relate to the benefits of this specific application – what specific additional economic benefits would it generate? This vagueness and lack of specificity does not provide a sufficient platform to enable the decision-maker to come to a properly informed view on the alleged economic benefits, both in their own right and, crucially, when taken into account in making a judgement when balanced together with other factors key to decision-making – as the Report itself states - *'There is however the need to balance economic benefits against environmental impacts'*.

10. In summarising the County Council's representations, Appendix 2 to the Report states:

*'**Unquantified economic benefits:** HCC note that the planning application contains no evidence of the economic benefits of the proposal, that the claimed benefits have not been properly assessed, have not been quantified, and given that the growth is predominantly achieved by load factors the economic benefits are likely to be more restricted than was historically the case. HCC therefore consider that it is not possible for the LPA to come to a properly informed judgement as to whether the economic benefits outweigh the significant adverse environmental impacts;*

o Officer Consideration: Economic issues are addressed in section (ix) of the report.'

11. However, when one turns to section (ix) of the Report one finds that there is no evidence provided by the applicant on the scale of the alleged economic benefits of the proposal and the Report proceeds, like the application itself, to regurgitate generic

statements about the general economic benefits of aviation and of the Airport. But not only that, the Report goes even further to make strong judgements, advice and steer to Committee:

- *'Real social and economic benefits will be delivered to the local area and sub region which weigh heavily in favour of the proposed development and should be given significant weight.'* (171)
- *'It would therefore be likely that the proposal, which involves a variation to the original permission for the expansion of the airport, would have a significant benefit to the wider area.'* (169)
- *'……that the proposed development would have significant beneficial effects for not only the local economy within Luton, but also within the wider area'.* (169)
- *'It is considered that real economic benefits will be delivered as a result of the expansion proposals, and these weigh heavily in favour of the proposed development and in accordance with the NPPF should be given significant weight'.* (211)

12. These unsubstantiated 'real', 'significant beneficial', 'weigh heavily in favour' judgements are not evidenced by any of the material presented in the planning application and hence are manufactured, misplaced and potentially misleading.

Drafting observations

13. The Report is the mechanism through which Committee is briefed on the proposal, representations on it, relevant national and development plan policy and material considerations and the extent to which the proposal is compliant or otherwise with these. It is critical that the Report does this in a genuinely evidenced/informed and balanced way, to facilitate robust decision-making and reducing the risk of generating concerns relating to the quality of the decision. There are a range of areas where perhaps the Report either falls short of these requirements or could do better. For example:

- Paragraph 4 contains a description of the 'site' within which there is a statement *'To the south, east and north east of the airport the land uses are predominantly rural in character, comprising a mix of farmland with small settlements'*. Given the nature of this application – i.e. changing the spatial extent of the noise contours within the wider spatial area, it might have been appropriate for the Report to have recognised that.

- Paragraph 8 makes reference to the application (ref: 18/00428/EIA) to vary condition 10 of the parent consent. Paragraphs 11, 12 and 13 refer to the current application to vary condition 10. No reference is made to the reason why the 18/00428/EIA application was and why this application is necessary – because the Airport was repeatedly breaching the noise restrictions put in place by Condition 10.

- Paragraphs 16 and 17 state *'The Council appointed noise consultants and climate change consultants to advise on technical matters associated with the application. Following a review of the information that had been submitted, a Regulation 25 request was made to the Wood Group, LLAOL's agent, in April 2021 seeking further information in*

relation to noise and climate. The response from the Wood Group addressed noise issues that had been raised, with the provision of a new noise chapter for the ESA……..'.

…….. Further clarification was sought in July 2021, with a response from the Wood Group being provided in August, addressing points raised by the Council's noise consultants and also third parties.'

Is this correct? The County Council's understanding is that the noise consultants' overall finding, despite ongoing liaison with the applicant, is as follows:

'1.3 This does not alter the overall findings with respect to noise impact, and attention is drawn to the following issues:

If permitted, the application is forecast to give rise to significant adverse noise effects at 1,877 dwellings by virtue of night-time noise level increases of more than 1dB arising in locations exposed to average noise above the SOAEL (55dB LAeq,8h). This is not, in itself, a reason for refusal subject to appropriate mitigation being provided. However, it is indicative of the scale of noise effects associated with this application. ……..'

- In paragraphs 25, 75, 200 and elsewhere reference is made to the Government policy (Aviation Policy Framework/Beyond the Horizon Making best use of existing runways) support for making best use of existing runways, but fails to also report that Government caveats this by saying that:

  *'1.24 …….. **We therefore consider that proposals for expansion at these airports should be judged on their individual merits, taking careful account of all relevant considerations, particularly economic and environmental impacts**.'* (Aviation Policy Framework)

  '1.25 As a result of the consultation and further analysis to ensure future carbon emissions can be managed, government believes there is a case for airports making best of their existing runways across the whole of the UK. The position is different for Heathrow…….. (Beyond the Horizon – Making best use)

  1.26 Airports that wish to increase either the passenger or air traffic movement caps to allow them to make best use of their existing runways will need to submit applications to the relevant planning authority…….. As part of any planning application airports will need to demonstrate how they will mitigate against local environmental issues, taking account of relevant national policies, including any new environmental policies emerging from the Aviation Strategy. This policy statement does not prejudge the decision of those authorities who will

be required to give proper consideration to such applications. It instead leaves it up to local, rather than national government, to consider each case on its merits.' (Beyond the Horizon – Making best use)

- Paragraph 37 – 38 – given the core most significant implications of this proposal it might have been helpful to provide a little more of the Aviation 2050 context. In relation to noise, for example, Government proposals are to set a new objective to limit, and where possible, reduce total adverse effects on health and quality of life from aviation noise, routinely set noise caps as part of planning approvals (for increase in passengers or flights), require all major airports to set out a plan which commits to future noise reduction, and to review this periodically.

- Paragraph 60 iii) does not provide a very comprehensive summary of one of the most significant Local Plan policies against which the proposal is assessed – noise considerations, for example, are not referred to despite being a key consideration of four of the nine relevant criteria in Policy LLP6 B.

- Paragraph 141 v. – in assessing the proposals against this criteria, the assessment should start by simply stating that the application does not achieve further noise reduction and does create a material increase in noise. Where reference is made to *'Will see noise reductions in the future'* there is a need to clarify that this does not mean reduction in noise when compared to the existing consent. The proposal only alleges to match the future post-2031 noise environment of the existing 18 mppa consent.

- Paragraph 141 vii. states that *'With the introduction of more of the new generation aircraft there will be a reduction in the noise contours, with the result that surrounding communities will share in the benefits of technological improvements in the aviation sector. The proposals include measures to incentivise the use of new generation aircraft by airline operators at the airport;'* But this seems to miss the point of criteria vii, which reads as follows:

  '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 proposal at best will reduce the impact of the proposal to levels comparable to those of the existing 18 mppa consent by 2031 and beyond. It will not result in a *'significant diminution and betterment of the effects of aircraft operations'*.

- *viii. Health and well being* – this section is inadequate as it fails to provide Committee with a full understanding of the health implications of the proposal – for example, no information is presented on the numbers of people and communities expected to experience noise-induced health

impacts. Paragraph 167 is irrelevant as it appears to relate to the health benefits of the existing 18 mppa consent – if there are health benefits to the 19 mppa proposal, then it is these that should be presented.

- Paragraph 169 states that *'The conclusions of environmental statement associated with the original application to expand the airport remain valid, namely that the proposed development would have significant beneficial effects for not only the local economy within Luton, but also within the wider area'*. This is irrelevant as it relates to the existing 18 mppa consent. If there are benefits to the 19 mppa, it is these that should be presented.

- Planning balance – health. It is surprising the planning balance section makes no reference to health implications of the application, particularly in relation to noise.

- Planning balance – the Master Plan. Despite the Report to Executive stating that the Master Plan will '*assist the Council in carrying out its functions as local planning authority when considering development proposals at the airport'*, there appears to no advice to Committee on whether the planning application is consistent with the Master Plan.

- Paragraph 223 and Appendix 1 Conditions and Reasons – presumably paragraph 223 should also advise Committee in relation to the proposed amendments to the approved car parking management plan (condition 22), passenger travel plan (condition 24) and approved documents (condition 28). Conditions 22, 24 and 28 do not appear to be varied as applied for in the conditions recommended to be attached to the consent as presented in Appendix 1.

Way forward

14. The County Council calls for Committee to be postponed until such time as:

- independent advice is available or at least greater clarity is provided to Committee with regard to the with (19 mppa) and without (18 mppa) development scenarios.
- evidence is presented on the scale of the economic benefits of this specific planning application to substantiate the advice presented to Committee on the alleged economic impact.
- drafting improvements be made to the Report, perhaps taking into account legal advice if this has not already happened.

15. You may recall or be aware that the County Council called for a similar Committee postponement when the 18 mppa proposal came to the decision-making stage - to deal with a number of technical, process and report drafting issues and for the Council to commission independent legal advice to inform that process. That postponement happened for those necessary reasons. I believe LBC should be striving to achieve a similar outcome with regard to this planning application.

16. I would be grateful if you could bring this letter to the attention of the Committee Chair and any others as you consider necessary.

Yours sincerely,

Stephen Boulton

Executive Member
Growth, Infrastructure & Planning

Appendix 4
DBC response to the application
comprising a letter from James Doe dated 7 February 2021

Date: 17 February 2021
Your reference:
Our reference: Luton Airport/JD
Contact: James Doe
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Development Control
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BY EMAIL: developmentcontrol@luton.gov.uk

Dear Sir / Madam

Planning Application 21/00031/VARCON – London Luton Airport - Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

Thank you for the opportunity for Dacorum Borough Council (DBC) to comment upon the above application.

This Council declared a Climate Emergency in July 2019 and is very mindful of the potential impact on the Borough of future proposed changes to the operation and capacity of London Luton Airport (LLA). It remains committed to protecting its residents and its environment from the adverse effects of LLA.

A very significant area of our Borough comprises of the Chilterns AONB which is an important environmental area, both in terms of biodiversity and tranquility.

Settlements in the Borough are also overflown by flights operating out of a number of airports including London Heathrow in addition to LLA. For example, Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from LLA which bears approximately 70% of outgoing flights.

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In common with other local authorities in the area around LLA this Borough is tasked with accommodating very significant growth. Dacorum is looking to deliver some 16,500 new homes to 2038 which will see growth in existing settlements. Accordingly, adverse impacts upon noise and air quality levels are of considerable importance to those who live and work in the Borough and to those who visit it. We have considered the information provided with the application and welcome measures that would reduce any adverse impact arising from operations at LLA and other airports.

We have a number of concerns expressed below regarding the proposed application to Luton Borough Council

With the impact of COVID-19 on global travel this application is considered premature. The International Air Transport Association (IATA) which supports aviation with global standards for airline safety, security, efficiency and sustainability, even before the second wave of the pandemic declared that recovery of the aviation sector is going to be slow and that the situation will not return to normal until 2024. That timeline is now even more likely to be extended.

Also of great concern is that the proposed application will vary a number of conditions within the existing permissions, beyond that of condition 8 placing the 18mppa limit and condition 10 relating to daytime and nighttime noise contours.

This Council responded on 5 March 2020 to the proposed variation to conditions 10 and 11 a copy of the response is attached, our comments contained within that response remain very relevant to this proposed application and we ask that they are taken into account in this proposed application.

We have already commented in detail through 2019 and 2020 to object to previous applications for variations to Conditions 8 and 10 of planning permission 15/00950/VARCON and by this letter we are objecting to this current application.

The concerns and objections raised in our letters of 12 July 2019 and 5 March 2020 are still considered to be relevant and we wish them to be taken into consideration by Luton Borough Council when determining this current application.

There remains considerable concern within our Borough that LLA violated the agreed noise restrictions for night flights (Condition 10) for over 2 years. The anticipated numbers of passengers and flights were exceeded, resulting in increased numbers of night flights.

Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from the Airport which bears approximately 70% of outgoing flights. The variation proposed in the application is likely to result in a further increase in flight numbers and noise (especially at night) resulting in a negative impact on a significant number or our residents' health and wellbeing.

In particular we are concerned that the Airport already appears to be in breach (or are close to being so) of the noise contour areas currently permitted. Rather than seeking to extend those contour areas for day and night operations LLA should be expected and required to work within the existing contour areas.

We are also concerned that despite making numerous representations in respect of past applications and consultations over the last couple of years on these matters the process seems to be starting over yet again with this application. We would refer you in particular to our letters of response 12 July 2019, 8 January 2020 and 11 February 2020 in respect of previous planning application reference 19/00428/EIA in respect of variation of Condition 10; and to our letter 11 November 2020 in respect of the recent consultation on the proposed increase from 18mppa to 19mmpa, in addition to our letter of 5 March 2020 referred to above. We consider that it would be proper and more appropriate for these matters to be the subject of an application in their own right rather than more applications to vary existing conditions. We wish to repeat a number of the points made in the letters referred to above and further as set out below:

1. The proposed variations to condition 10 (noise) and to condition 8 (to increase the passenger cap from 18 million passengers per annum (mppa) to 19mppa) suggests that adverse impacts from noise are likely to become even more significant.

2. The proposed noise insulation scheme and noise mitigation measures still remain inadequate.

3. There needs to be a proper assessment of the economic benefits versus the environmental consequences.

4. The proposed noise contour area does not achieve further noise reduction, or reduce to a minimum adverse impacts upon the residents or environment, or protect significant areas of sensitive land within our Borough.

5. It remains our view, in common with that expressed by other local authorities whose areas would also be adversely impacted by the proposed variation, that the application runs contrary to what is proposed in Government policies, statements and guidance and the Airport Noise Action Plan (2019-2023); as well as policies LLP6 and LLP38 of the Luton Borough Council Local Plan 2011-2031.

6. What is required is a strategy that will deliver, without question, the 2028 noise contour reduction requirements of Condition 10. We would expect to see some of the principles and commitments within Heathrow's Environmentally Managed Growth approach in the strategies accompanying this application, that is - clear, rigorous and transparent monitoring, ensuring public/community confidence and trust, environmental limits permanent and never exceeded, enforcement of environmental limits, investment in measures or commercial strategies which mitigate the effects of growth, encouraging airline environmental performance, 'look forward' to forecast growth relationship to limits, independent scrutiny, responding to feedback from monitoring evidence, limiting the growth unless the environmental limits are met, and so on.

7. We ask that Luton Borough Council note that in Dacorum Borough, current flightpaths from the airport, have a significant impact upon the villages of Markyate and Flamstead in terms of aircraft noise. Eastern Hemel Hempstead

and Tring are also significantly affected by noise. Increasing passenger throughput at LLA, essentially means increasing the number of flights and a potentially significant increase in noise disturbance under flightpaths and holding areas, unless effective mitigation measures can be put in place, or significant investment made in new and less noisy aircraft by the airlines operating from the airport. This remains a significant concern to Dacorum Borough Council and its residents and we would wish to see clear noise mitigation measures agreed in association with any permitted growth of the airport which are fully enforceable by an independent body

8. The targets contained within the Transport Plan appear very aspirational and we query how deliverable plans to reduce car use will be in practice. Conversely, the proposed reduction in car use brings into question the need to carry out the road improvements to LLA forming part of this application. The delivery strategy therefore sends a mixed message. We would suggest that surface access issues and the Transport Plan generally requires further thought and in particular to minimise any negative impacts upon areas surrounding LLA. Without sight of the specialist noise and carbon advice referred to in paragraph number 9 below we feel unable to comment much further on this point.

9. We understand that the specialist noise and carbon advice commissioned by Luton Borough Council will not be available before the deadline for response to this application. Accordingly a significant document is not yet available to inform responses and policy judgments by local authorities and other consultation bodies. We understand that Luton Borough Council has an agreement with a number of host authorities to accept responses after the specialist advice is available. We would ask that this Council is afforded the same opportunity and we reserve our right to make further representations following that specialist advice being made available.

In conclusion, we remain very concerned that the application if granted will result in significant adverse impacts upon the residents and the environment within our Borough and elsewhere, contrary to national and local planning policy and guidance. LLA should instead seek to take measures to comply with the original planning conditions rather seeking a relaxation of them.

We ask that Luton Borough Council reject the application for the reasons given above.

Yours faithfully

[redacted]

James Doe
Assistant Director (Planning, Development & Regeneration)

Date: 5th March 2020
Your reference:
Our reference: Luton Airport/JD
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Development Control
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Dear Sir / Madam

20/00131/DOC - Full planning application for dualling of Airport Way/Airport Approach Road and associated junction improvements, extensions and alterations to the terminal buildings, erection of new departures/arrivals pier and walkway, erection of a pedestrian link building from the short-stay car park to the terminal, extensions and alterations to the mid-term and long-term car parks, construction of a new parallel taxiway, extensions to the existing taxiway parallel to the runway, extensions to existing aircraft parking aprons, improvements to ancillary infrastructure including access and drainage, and demolition of existing structures and enabling works. Outline planning application for the construction of a multi-storey car park and pedestrian link building (all matters reserved) 12/01400/FUL - Variation of Condition 11 (i) - Noise violation limits. - Discharge of Condition No. 10 (Noise Strategy) of Planning Permission No. 15/00950/VARCON dated 13th October 2017. London Luton Airport, Airport Way, Luton

Thank you for the opportunity to comment on the above.

We have seen the response dated 28 February 2020 submitted by Hertfordshire County Council (HCC) and fully support and endorse what HCC states in that response. We ask that you also take the following specific points into consideration.

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There is considerable concern within our Borough that London Luton Airport Operators (LLAOL) have violated the agreed noise restrictions for night flights (Condition 10) for over 2 years now. The anticipated numbers of passengers and flights have both been exceeded resulting in increased numbers of night flights.

Markyate and Flamstead villages are both less than a kilometre from the Westerly flight path from the Airport which bears approximately 70% of outgoing flights. The variation proposed in the application is likely to result in a further increase in flight numbers and noise (especially at night) resulting in a negative impact on a significant number or our residents' health and wellbeing.

Rather than seeking to extend those contour areas for day and night operations LLAOL should be expected and required to work within those existing contour areas.

The planning conditions and s106 attached to the 2014 and 2016 planning consents contain a range of measures to restrict noise impacts and to provide safeguards and certainty to potentially impacted local communities.

One of the aims of National policy, including the Government's emerging Aviation Strategy (Aviation 2050) is to provide balance between noise and growth and to provide future certainty over noise levels to communities. We fully agree with the statement by HCC in its numbered paragraph 10 that the revised national policy context is very relevant to this discharge application and that the requirement to reduce noise corridors is a critical requirement imposed on the airport. The certainty expected by Government has not been experienced by communities within this Borough as further evidenced by the recent application to Luton Borough Council to regularise past and ongoing breaches of Condition 10.

As detailed by HCC in paragraphs 11 and 12 of its response dated 28 February 2020 we agree that what is required is a strategy that will deliver the noise contour reduction requirements of Condition 10 and we support and endorse the strategy requirements detailed by HCC in paragraph 13 of its response.

We fully support HCC's view and agree that for all the reasons set out in HCC's response that the strategy submitted to discharge Condition 10 should be refused or a substantially revised strategy prepared and submitted by the applicant which properly addresses our concerns above and those expressed by HCC in its response.

Yours faithfully

[redacted]

James Doe
Assistant Director (Planning, Development & Regeneration)

Appendix 5
NHDC response to the application
comprising a statement prepared by V+G dated 12 August 2021

LONDON LUTON AIRPORT

PROPOSED AMENDMENTS TO PLANNING CONDITIONS TO ALLOW FOR AN INCREASE FROM 18 TO 19 MILLION PASSENGER PER ANNUM

RESPONSE PREPARED ON BEHALF OF NORTH HERTS DISTRICT COUNCIL

12 August 2021

Introduction

1. Vincent and Gorbing ("V+G") have been instructed by North Hertfordshire District Council ("NHDC") to co-ordinate a response to the planning application presently with Luton Borough Council ("LBC") made by London Luton Airport Operations Limited ("LLAOL") reference 21/00031/VARCON to change a number of planning conditions on the extant planning permission which presently controls operations at the airport in relation to passenger numbers and noise. This statement has been prepared following an independent audit of the application by V+G and discussions with officers. As such, it sets out the views of NHDC as a Council on the application. In delaying their response, NHDC have been able to assess the amended chapter of the ES regarding Noise and the published advice to LBC from consultants considering both this information and carbon emissions.

2. The application is described as:-

   Variation of Conditions 8 (passenger throughput cap), 10 (noise contours), 22 (car parking management), 24 (travel plan) and 28 (approved plans and documents) to Planning Permission 15/00950/VARCON (dated 13th October 2017) to accommodate 19 million passengers per annum and to amend the day and night noise contours.

3. NHDC previously objected to application 19/00428/EIA which sought to allow for an increase in the area permitted within specified noise contours. NHDC raised concerns regarding the impact of that application on the amenity of North Herts residents, lack of commitment to noise insulation and a failure of LLAOL to properly balance economic and environmental considerations.

4. The same issues arise with the current application to increase passenger numbers. Moreover, the rapidly evolving aviation and climate change policy context at a national level is such that a positive decision on this application is premature. However, given the Government's commitments in the 6th Carbon Budget and the clear advice of the Climate Change Committee (CCC) that demand management in the aviation sector will be necessary to achieve the Government's objectives, there is every case for refusing this application. LLAOL provide no robust economic rationale or justification for allowing an increase in passenger numbers given the environmental impacts that will arise.

5. This statement expands on the above themes and touches on others. In general terms, NHDC support the submissions of Hertfordshire County Council dated 11 June 2021 to the application which robustly object to the proposed expansion.

6. Accordingly, the main issues raised in this statement as follows:-

(i) Additional noise impacts and inability of LLAOL to control compliance;

(ii) Continued concerns regarding traffic impacts and air quality considerations;

(iii) Impact on Greenhouse Gas Emissions and Government climate change commitments

(iv) Approach of the Environmental Statement to reasonable alternatives;

(v) Reliance on documents that have yet to be agreed as part of the mitigation strategy;

(vi) Failure to properly balance economic benefits and environmental costs.

Noise Impacts

7. If this application were to be approved, it is forecast to give rise to significant adverse noise effects in the 'worst case' assessment year of 1,877 dwellings by virtue of night-time noise level increases of more than 1dB arising in locations exposed to average noise above the SOAEL (55dB LAeq,8h).

8. Many of these residents will be in North Hertfordshire District in areas that have already seen an adverse impact on amenity due to the rapid increase in passenger numbers and Air Traffic Movements (ATMs) at the Airport in recent years. However, since the data is not disaggregated by Local Authority, it is not possible to say how many of NHDC's residents will be effected by the changes proposed. It would be helpful if there was disaggregation of the noise effects by Local Authority administrative area such that LBC, NHDC and others could properly assess the scale of the effect in their own particular area. Moreover, LBC should be satisfied, based on this information, that the receptor based mitigation in each area is sufficient to address the predicted effects.

9. A much greater number will be impacted by noise and overflights more generally, and noise sensitive locations such as primary schools, care homes and churches will be impacted, as well the enjoyment of public open space within the District.

10. Moreover, NHDC's emerging Local Plan allocates strategic development to the east of Luton in policy SP19 (sites EL1, EL2 and EL3) for approximately 2,100 homes. The emerging policy requires that development will be required to include appropriate noise mitigation measures, to potentially include insulation and appropriate orientation of living spaces. The Plan highlights that the site is in close proximity to Luton Airport noise corridors and mitigation measures may be required, particularly towards the south-east of the site which lies closest to the flight path. Whilst receptor based mitigation is therefore assumed, it will nevertheless increase the amount of development affected by aircraft noise.

11. The applicant's ES accepts that the proposals will have significant adverse noise impacts on health and quality of life. It proposes mitigation in the form of noise insulation, and argues that all impacts are thus addressed and the proposals are therefore acceptable. However, it also accepts that the proposed mitigation will only minimise the noise when windows are closed and there remains a potentially significant (minor to moderate) residual health effect on some residents experiencing noise above the daytime and night-time SOAEL levels.

12. Indeed, it is inevitable that most people will always need to or want to have their windows open for ventilation purposes at various times, including at night. The vast majority of existing properties have no other means of ventilation and even at new properties that might be built taking account of the noise climate, the airport's activities should not prevent the ability of residents to enjoy fresh air within their dwellings and within private and public open spaces. It is therefore considered that receptor based sound insulation that relies on windows being closed is a serious admission that the amenity of NHDC residents will not be protected if this proposal is permitted.

13. We would question (i) whether the modelling is realistic and can be relied upon (ii) whether future breaches may occur and how they would be controlled and (iii) whether the approach to receptor based mitigation can be justified as against other approaches to airport management that would avoid the impacts occurring.

14. The assumptions regarding noise are clearly reliant on the modernisation of and changes to the fleet of aircraft serving the Airport, and this is outside of the control of the Airport operator. We would question whether realistic modelled aircraft noise levels of the A321Neo have been used to determine the extent of the noise contour limits. We would also question whether the modelled fleet mix is realistic. Our understanding, for example, is that Ryanair intend to continue using the Boing 737 Max. Moreover, the modelling does not specify the engine type and whether the modelling is based on the CFM LEAP or the PW1100G. In addition, the noise modelling relies on the forecast Air Traffic Movements (ATMs) associated with more passengers, which suggest very little change, with the increase in passenger numbers coming to fruition as a result of larger aircraft and greater loading.

15. Overall, NHDC has serious concerns about the reliability of the noise modelling and the assumptions and predictions that lie behind it. If the assessment is unreliable or unrealistic, the conclusions of the assessment are at best questionable and there is a clear risk that the history of breaches in planning control that have taken place in recent years, requiring noise contours to be redrawn to accommodate actual operations, will be perpetuated.

16. Indeed, the failure of previous assessments to accurately predict matters such as fleet mix, passenger numbers, aircraft type and ATMs is a fundamental reason for changes to conditions sought previously. Prior to the impact of Covid-19 on air travel, increases in passenger throughput took place at a faster rate than previously assumed, and technological change and modernisation with quieter aircraft has not kept pace. The result is that the residents of North Hertfordshire and other areas around the airport have been forced to endure increases in noise that were not planned for or indeed permitted. The airport operator has asserted that the pace of growth and the consequent breaches of conditions were outside of its control. We support HCC's clearly expressed view in this regard that passenger throughput and noise monitoring and reporting required as part of the original planning permission should have reasonably predicted the possibility of breaches and put in place appropriate management and operational restrictions. Overall, NHDC consider that with this current proposal there is every risk that allowing an increase in passenger numbers and extending noise contours to accommodate previous breaches of planning control is likely to increase night flights, further worsening the ability of NHDC residents to sleep undisturbed.

17. Indeed, LLAOL did seek to put in place some mitigation measures when existing contour limits were exceeded in 2018 and 2019 including restrictions on further growth to night-time traffic. No-where in the documentation relating to this application are alternatives considered such that the mitigation proposed (i.e. receptor based sound insulation) could be avoided as the ES assumes maintaining the existing cap is not a reasonable alternative. We comment on the approach of the EIA further below, but the principle of changing contours to accommodate previous breaches to conditions is entirely against the mitigation hierarchy.

18. If the LPA intends to approve this application, the receptor based mitigation will be crucial to the protection of the amenity of North Herts residents. It is noted and welcomed that the revised ES Noise Chapter appears to withdraw any financial limitations on this scheme.

19. If the application is approved, a clear and binding S106 agreement should be agreed to ensure that the airport commits to delivering a comprehensive sound insulation scheme. It should set out how the affected community will be contacted to ensure maximum take up and a timetable for implementation from the time planning permission is granted and before the noise effects would be experienced.

20. Fundamentally, however, in respect of noise impacts, the proposals are contrary to NPPF para. 185 which requires that development should *"mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to* significant *adverse impacts on health and the quality of life."* It is also contrary to Luton Local Plan policies LLP6 and LLP38.

21. The proposed changes to noise contours also contradict commitments made by LLAOL in their *Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP)*. Key Performance Indicator 3 states that LLAOL will, with respect to the night-time contour *"Limit and where possible reduce the population within the contour over the course of the action plan."* At Section 3 LLAOL state that *"Where restrictions are in place we are focused on ensuring that they are adhered to fully."* Item 3.4 states that LLAOL will *"operate within our agreed contour area limits"* whilst item 3.5 states that they will *"Develop a noise contour reduction strategy to define methods to reduce the area of the noise contours."* The proposals run entirely counter to these commitments.

Traffic and Air Quality

22. The Environmental Statement and Transport Assessment set out that the increase from 18mppa to 19mppa will result in a worse-case minor increase in traffic flows of 3.7% in the AM peak and 3.2% in PM peak between the 2019 and 2024. They further state that in discussions with Highways England and LBC, it was established that this level of flow increase is unlikely to have a significant impact on the operation of the network and as such does not warrant any further detailed transport modelling analysis at this stage.

23. However, NHDC remain concerned about *any* increases in traffic associated with the increase in passenger numbers. As it has been agreed between the aforementioned parties that no further modelling is necessary, it is not possible to determine whether there are any impact on the local highway network within the District. In addition, in previous comments through the DCO consultation process, NHDC made clear their

concern regarding the cumulative impacts of growth at the Airport with significant residential development proposed east of Luton and around Hitchin including settlements north of Hitchin within Central Bedfordshire. Additional passenger growth will exacerbate any potential cumulative impacts.

24. Whilst the aspirations of the travel plan are welcomed, NHDC remain concerned that east-west public transport is significantly less well developed than north-south and this will result in a disproportionate impact on the District's highway network, particularly along the A505 corridor. In particular, NHDC remain seriously concerned as to the impact of additional passenger numbers on traffic and air quality conditions, in particular in and around Hitchin which are not considered at all in the application documentation.

25. Concerns about the lack of traffic modelling and the success or otherwise of modal shift of passengers and employees coming from or passing through North Hertfordshire are coupled with concerns regarding air quality impacts. In 2016 an area around the Payne's Park roundabout, Hitchin was declared as an AQMA because nitrogen dioxide was being measured at concentrations above the standard set to be protective of human health. This location, within the A505 corridor, is highly sensitive to any changes in traffic volumes. Accordingly NHDC are concerned that further growth at the airport will have a particularly detrimental impact on residents in this area. NHDC already consider that the Airport has a disproportionately adverse impact on Hitchin due to the relatively poor sustainable transport links from the A1 corridor to the Airport. The updated Travel Plan will not address this issue.

Climate Change and carbon reduction

26. LLAOL's overall planning case relies upon national aviation policy support. As the Planning Statement points out *"The Government is explicitly supportive of airports beyond Heathrow making best use of their existing runways as noted in the Beyond the Horizon: The Future of UK Aviation – Making Best Use of Existing Runways (2018)."*

27. It also relies on the Government's position on Climate Change adaptation embraced in the Climate Change Act 2008, as amended in 2019. It sets out the position that existed when the application documentation was written in January 2021:-

"International aviation is not part of the 'net UK carbon account' and so is not included in the UK carbon target or the UK carbon budgets, but the UK carbon budgets are to be set 'having regard to' international aviation. In practice, successive carbon budgets have been set allowing for 'headroom' for what is sometimes referred to as the 'planning assumption' (also referred to as the 'aviation target').

28. However, since this statement was written, the landscape of climate change policy and its implications for the aviation industry have radically changed.

29. At the local level, many authorities, including NHDC and Luton Borough Council have declared a climate emergency. On 21 May 2019, NHDC passed a Climate Emergency motion which pledged to do everything within the Council's power to achieve zero carbon emissions in North Hertfordshire by 2030. This declaration asserted the Council's commitment toward climate action beyond government targets and international agreements. The Council also has a Climate Change Strategy that has

been reviewed in 2021 to align the strategy with latest research regarding the impact of climate change. The new strategy contains an action plan, which sets out how NHDC aim to achieve a carbon neutral position by 2030. Luton Borough Council has adopted a climate change action plan which sets out actions to meet an organisational commitment to achieving net zero by 2040. These documents pre-date LLAOL application but are not referred to in the Environmental Statement.

30. In April 2021 the Government announced the adoption of some of the recommendations of the Climate Change Committee (CCC) in the 6th Carbon Budget, with a new target of a 78% reduction in CO2 by 2035 (15 years ahead of its original target) and the inclusion of international aviation and shipping in the target. This compares to the policy of only two years previously when the UK was aiming at an 80% cut in CO2 by 2050, excluding aviation and shipping.

31. The detail of the sectoral impact of the 6th Carbon Budget is yet to be published but what is clear is that the aviation sector will no longer be able to rely on other sectors making compensatory reductions such that it is unaffected. Equally clear is that the CCC have stated that demand management in the aviation sector is likely to be needed if the UK's commitments are to be achieved. Reliance on technological innovation to achieve net zero was always unlikely to be feasible and fleet investment and modernisation is likely to be slower in the wake of the impact of COVID-19 on the aviation industry.

32. Unfortunately, there has been no clarification from the Government as to how and when MBU and aviation policy more generally might be updated. The CCC recommended only a 25% growth in passengers by 2050 compared to 2018, compared to 65% growth forecast by the DfT unconstrained forecasts. Now that the Government has confirmed that the Sixth Carbon Budget will include aviation, whilst not specifically accepting the CCC's policy recommendations on demand management, it seems very likely that MBU policy, and decisions on DCOs and applications such as this one through the TCPA regime, will need to consider whether permitting increases in throughput are compatible with Government policy.

33. Indeed, as clearly set out in the Ricardo Energy and Environment report prepared for LBC[1]:-

"Making Best Use of Existing Runways (MBU), has a 'planning assumption' for aviation emissions of CO2 of 37.5MtCO2. However it was written in 2018, before the Climate Change Act was amended to net zero, and before aviation was incorporated in the sixth carbon budget. Whilst MBU for now remains extant, the 37.5MtC target is simply mathematically incompatible with the decision to include aviation within the sixth carbon budget and the trajectory to net zero"

34. Indeed, the report highlights that decisions have already been made on expansion at other airports that will consume the planning assumption emissions and a number of decisions on capacity increases are the subject of Judicial Review or call-in by the Secretary of State.

[1] Review of Luton Airport proposal to allow 19mppa: implications for carbon emissions Report for Luton Borough Council on Planning Application 21/00031/VARCON to vary conditions to Planning Permission 15/00950/VARCON, Ricard Energy and Environment, 28/05/21

35. One of the key ways in which LLAOL propose to mitigate its impact on climate change is by its Carbon Reduction Plan. However, whilst it can achieve much by changes in ground operations, fundamentally it cannot influence technological changes in the fleet visiting the airport.

36. Given the above, NHDC consider that there is a case for refusal of the application on the basis of the conflict of the proposals with national and local climate change policy. At the very least, any decision now, pending further detail on the Sixth Carbon Budget and how MBU is to be addressed in this context, will be premature and should be delayed until national aviation policy is revised to take into account the Government's most recent commitments and decisions already made at other airports that have already allowed increases in capacity.

Environment statement and reasonable alternatives

37. The approach of the ES to reasonable alternatives is flawed. LLAOL accept that the only potential alternative to the Proposed Scheme is to continue to operate at the 18 mppa cap, although argues that *"to progress with this alternative would not have delivered the anticipated economic growth."* As we set out below the economic impacts of the proposed increase in passenger number has not been quantified and failing to achieve it is no justification for arguing that the existing cap is not a reasonable alternative.

38. The ES goes on to state that to achieve the alternative would mean that *"restrictions would have to be placed on airlines to be confident that compliance with conditions attached to the 2014 Planning Permission was achievable"* and that *"Furthermore, without restrictions on airlines there would be a risk of repeated breaches of Condition 10. As such, the 'doing nothing' option was not considered to be a reasonable alternative."*

39. This suggests that LLOAL believe that that if the proposed changes are not permitted, any restrictions themselves would not be reasonable and in all likelihood breaches would simply continue.

40. Although the 18 mppa cap is used in the ES as the 'do-nothing' it is indicative of the approach of LLAOL to suggest that the planning regime should simply be adjusted to meet their operational requirements rather than seek to quite reasonably control them.

Future Control, monitoring and compliance

41. Mitigation of the environmental impacts of the development rely on a number of further documents, some of which are submitted for approval as part of the application (Car Parking Management Plan, Travel Plan) and some of which are not (Noise Reduction Strategy, Carbon Reduction Plan). However, all of these documents are critical to the acceptability of the proposal and should therefore be approved as part of the application. Without them being considered in detail and approved at this stage, there can be no reliance on the conclusions of the ES in terms of the significance of related environmental effects. There is a clear parallel with Development Consent Orders where compliance with certified documents is a requirement of the Order itself and allows the robustness of the mitigation proposed to be properly considered through the decision making process.

42. We note from HCC's response to the application that a Noise Reduction Strategy was submitted in February 2020, but was considered by the local planning authority to be not fit-for-purpose and is still in the process of being developed and remains to be approved. We fully support HCC's comments that this should be resolved as part of this application.

43. We further understand that LLAOL have now submitted an 'Outline Carbon Reduction Plan' and this is the subject of discussions with the LPA. However, this advises that *"LLAOL* has *committed to develop a detailed Carbon Reduction Plan that builds on this outline plan, by the end of 2022, which will provide detailed and viable targets for an absolute reduction in carbon emissions and achieving net zero."*

44. We do not consider this position as tenable given the overriding need to fully address this matter now, prior to the determination of the application. It must be right that 'detailed and viable targets' are established before a decision on this application is made. Moreover, we are sceptical that LLAOL has sufficient influence over the wider aviation industry to achieve the necessary changes in emissions from flights operating in and out of the airport to actually achieve the carbon reduction emissions that the outline Carbon Reduction Plan seeks to achieve.

45. Notwithstanding, each of these mitigation strategies must include clear, robust and funded monitoring arrangements and penalties and remedial actions for non-compliance or non-achievement of targets, agreements, or other criteria.

Economic Benefits and the Planning Balance

46. No-where in the planning application documents are the economic benefits of the development properly enumerated, or any analysis provided of the negative economic impact of maintaining current restrictions.

47. The Planning Statement makes only very general claims that the airport is a *"key economic driver within the region, delivering significant GVA and employment and providing substantial benefits to the wider economy by facilitating travel for business passengers and for inbound visitors."* It adds that the airport plays a supporting role in the tourism sector and asserts that :-

"The Proposed Amendments would deliver more economic benefits than the 'do-nothing' scenario (i.e. maintaining operations under the Original Planning Permission)."

48. It concludes at para. 8.8.2 that :-

"whilst the Proposed Amendments will result in some adverse environmental effects, these have been mitigated so far as possible. Taking into account the significant economic benefits associated with expansion of the airport to 19 mppa and considering the existing and enhanced mitigation on balance it is considered that the Proposal is compliant with the Development Plan, national planning policy and other material considerations."

49. However, no attempt is made to define the scale of such benefits and how they would be distributed within the local, regional or national population. For example, although the adverse environmental effects will be felt locally, including by residents of NHDC,

any alleged tourism benefits are only likely to be experienced at tourist destinations either within the UK (primarily London) or indeed abroad, and certainly not in the NHDC area. It is therefore impossible to reach the conclusion that the economic benefits outweigh the environmental costs. . This is a clear and significant failing of the application and must be rectified before LBC decide on the planning application.

50. Indeed it is difficult to understand how the planning statement reaches the conclusion that there will be 'significant economic benefits.' LLAOL themselves accept that such economic benefits would not be significant since socio-economic impacts have been scoped out of the EIA process (ES, para. 4.4.33 – 4.4.36). Whilst the ES states that *"There could be potential for beneficial effects upon employment and the local economy associated with the increase in passenger numbers"* the fact is that LLAOL have scoped out this effect, on the basis that, as with all scoped out topics, *"there is limited scope for likely significant effects as a result of the Proposed Scheme"* on this topic. (4.4.9)

51. It is in this context that the overall planning balance must be considered on the basis of the governing approach of Section 38(6) of the Planning and Compulsory Act that states that *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

52. It has already been stated above that the proposal is contrary to the development plan by virtue of conflicts with the Luton Local Plan in respect of LLP6 and LLP38. It is also to be considered contrary to policy of the NPPF and policies adopted in North Herts and in other Local Authorities in the area regarding the Climate Emergency. The NPPF sets out a presumption in favour of sustainable development and sets out that there are three dimensions to this, namely economic, social and environmental and that these objectives need to be pursued in 'mutually supportive ways.' The wording of para. 8 on the environmental dimension has been amended in the July 2021 version of the NPPF by the replacement of "to contribute to protecting and enhancing" the environment to simply "…to protect and enhance" the environment. The NPPF does not suggest that positive effects of one objective can outweigh negative effects in respect of the others; whereas LLAOL adopt this approach.

53. Even if such a planning balance in deciding whether the application comprises sustainable development is a legitimate interpretation of the NPPF, the economic benefits have not been quantified such that LBC as the decision maker cannot judge this planning balance; moreover, LLAOL themselves consider that the economic impact is not significant which suggests that the conclusion in the Planning Statement is flawed. It is therefore difficult to see how the accepted impacts of noise on the health and well being of the local community as well as the wider impact on GHG emissions and climate change could be outweighed by the economic benefits of expansion.

Conclusion

54. From the above, NHDC object to the application and consider that there is every case that it should be refused.

55. At the very least, a decision on the application should not be made until :-

a. Government policy on aviation is clarified in the wake of the 6th Carbon Budget, particularly with regard to MBU;

b. The Noise Reduction Strategy and full Carbon Reduction Plan are agreed between all local authorities around the Airport.

Appendix 6
NHDC response to the application
comprising a statement prepared by V+G dated 1 October 2021

LONDON LUTON AIRPORT

PROPOSED AMENDMENTS TO PLANNING CONDITIONS TO ALLOW FOR AN INCREASE FROM 18 TO 19 MILLION PASSENGER PER ANNUM

FURTHER RESPONSE PREPARED ON BEHALF OF NORTH HERTS DISTRICT COUNCIL

1 October 2021

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1. Vincent and Gorbing ("V+G") were instructed by North Hertfordshire District Council ("NHDC") to co-ordinate a response to the planning application presently with Luton Borough Council ("LBC") made by London Luton Airport Operations Limited ("LLAOL") reference 21/00031/VARCON to change a number of planning conditions on the extant planning permission which presently controls operations at the airport in relation to passenger numbers and noise.

2. A statement was submitted by V+G on behalf of NHDC dated 12 August 2021. Responses have been provided to the comments made in that statement by the Applicant in the document *"Luton Airport 19 mppa Application Noise Clarifications"* by Wood, and a table comprising responses to NHDC and other consultees comments, albeit these are not attributable to individual consultees.

3. NHDC welcome the further clarifications provided although expresses concerns that information has been tabled so late in the planning process. However, the various comments make clear that whilst the assessment of environmental effects, including in particular the impact on noise experienced by residents and the impact on Green House Gases (GHGs) and climate change may be robust in their own terms, the application and its assumptions are at the very least brought forward with a high degree of uncertainty around a number of matters which are outside of the control of LLAOL.

Noise and fleet mix

4. NHDC welcomes the clarifications on fleet mix assumptions. However, LLAOL rightly recognise that such fleet assumptions, whilst derived from information provided by the airline industry, are outside of LLAOL's direct control but states that *"it is envisaged that the aircraft fleet mix will continue to move towards quieter aircraft in the future and therefore improvements will be made to noise contours."*

5. However, the response also helpfully accepts that previous assumptions regarding aviation operations including fleet mix have proved unreliable due to unforeseen circumstances and that the future is impossible to predict with any certainty:

   "Aviation operation has been affected by two main slowdowns. One is the delay to the modernisation of the fleet using the airport, partially because of the grounding of the B737-Max and partially from the slower uptake of modernised aircraft from operators. The other is the COVID-19 pandemic, which has resulted in a large slump to passenger flights. <u>It is not possible to predict with certainty how LLA and the operators using it will recover from these factors</u>. However, an estimation for fleet mix modernisation and recovery of passenger flights has been included in the noise modelling from 2021 onwards." (our underlining)

6. NHDC recognise that for the purposes of EIA, reasonable assumptions have to be made, particularly around fleet mix, but remain concerned that these are not 'worst case' assumptions but will in fact prove to be optimistic due to the delays in fleet modernisation that have already occurred and will be exacerbated by the after effects of the pandemic on the aviation industry.

7. If this application is to be approved, the above comments place very great importance on monitoring arrangements and the way in which compliance is monitored and enforced, particularly given the history of breaches of previous limitations. An updated Noise Action Plan should be approved and governance structures made clear to enforce compliance with the ability of NHDC to participate in such governance.

8. In terms of conflict with planning policy in respect of the significant environmental effects that will arise in terms of noise, the applicant states that:-

   "The overall objective of the UK Aviation Noise Policy [ANP]….confirmed by the Consultation Response on Legislation for Enforcing the Development of Airspace Change Proposals is to limit noise and where possible reduce the number of people in the UK significantly affected by aircraft noise. This policy objective is integrated into Luton Local Plan Policy LLP 6, where it states that Proposals for development will only be supported where [...] proposals: v) achieve further noise reduction or no material increase in day or night-time noise."

9. However, it claims the development is not contrary to this policy context:-

   "There appears to be a conflict between this and the requirement for growth in the aviation industry which is noted in the National Planning Policy Framework, the ANP, Consultation Response document and General Aviation Strategy. However, this conflict only arises via an implication from the above policy text. In the context of sustainable development, and growth of airports, the overall approach to limit and reduce the number significantly affected does not mean that no additional significant affect can be permitted, where that is a necessary result in support of sustainable development."

10. NHDC does not subscribe to this analysis. The proposals are clearly in conflict with noise policy and Policy LLP6 as stated in our original representations as they increase the number of residents significantly affected by noise. We also consider, as previously stated, that the Applicant's claim that the proposal is 'sustainable development' relies on the economic objective of sustainable development in the NPPF outweighing the environmental objective. Not only is this a misapplication of the NPPF but the economic benefits are, in any event, not enumerated (we return to this point below).

11. Moreover, nowhere in the response does the Applicant address the point that the application is in direct conflict with its own Environmental Noise Directive Noise Action Plan 2019-2023 London Luton Airport (NAP) which seeks to reduce the impact of noise on the surrounding area.

Climate Change and GHGs

12. The Applicant's response to NHDC and others on this point accepts that there are significant changes occurring in the context of national Climate Change policy that will

impact on aviation but the actual outcome of this process is presently unclear. They quote recent documents (the Jet Zero Consultation (14th July 2021); and The Transport Decarbonisation Plan (14th July 2021)) which, it is claimed, support further growth on Making Best Use of Runways (MBU) principles, although noting that the first of these state *"The government is clear that expansion of any airport must meet its climate change obligations to be able to proceed."* The Applicant relies on its Outline Carbon Reduction Plan to meet this test. Again, this document is in 'Outline' form and relies on the activities of many other partners to the airport – including airlines – to achieve its targets. Whilst the Applicant can make welcome progress to address climate change in its own operations, we remain of the view that decisions on expanding airports made *now* are premature.

13. The Applicant claims that the CCC 2019 letter which suggested a limit on demand growth in aviation to 25% has been 'superseded' by more recent advice provided by the CCC in December 2020.

"In the Recommendations on the Sixth Carbon Budget report, the CCC 'Balanced Pathway' scenario has an aviation sector target of 23 MtCO2/yr by 2050. It is recognised that additional aviation policy interventions would be needed to achieve this target at a national level."

14. Clearly, those interventions are likely to include limits on demand growth and more so if technological innovations prove much slower in coming forward. It is certainly the case that the level of growth assumed by MBU will be mathematically impossible with that target in place. The Applicant does not address this point, but simply relies on the fact that MBU remains extant policy at the present time.

15. The Applicant then makes the point that their overall contribution to emissions of 2.71% of the 23MtCO2/yr is unlikely to increase compared to the baseline 2019 emissions. However, this assumes the successful implementation of the Outline Carbon Reduction Plan and the host of uncertainties around proposals in that document as noted above, as well as uncertainties around fleet modernisation. NHDC remain concerned about the impact of the proposals on carbon reduction and climate change, that the carbon reduction plan relies in part on uncertain industry wide technological innovation and that fleet modernisation may be further delayed.

Economic benefits and the planning balance

16. Nowhere in the response from the Applicant is this point addressed. The response highlights the economic contribution of the Airport as of 2019 which is set out in the planning statement. However, as we set out in our original representations, the decision maker needs to be able to balance the economic benefits of the application itself against the adverse economic consequences and this is not possible to do since the additional economic benefit of increasing passenger numbers to 19mppa is not enumerated. We consider this to be a clear failing of the application and consider that the Applicant should have addressed this point directly.

Other matters

17. NHDC raised concerns on other matters including traffic on local roads and air quality. The response provided by the Applicant refers the reader back to the content of the Environmental Statement. Whilst this signposting is welcomed, NHDC's concerns with

regard to these matters remain. The absence of significant impacts relies on ambitious targets aimed at increasing Cycling and Public Transport use for staff and passengers, yet connectivity in this regard along the A505 corridor is poor. Thus, whilst the change may not be significant enough to have meaningful impacts, the NHDC area is likely to experience a disproportionate increase in traffic, particularly around Hitchin and remains a serious concern for NHDC.

Conclusion

18. Accordingly, NHDC's objection to the application and its concern that a decision on the application is, in any event, premature, remains.

Vincent and Gorbing

22 September 2021

Appendix 7
SADC response to the application
comprising a letter from Tracy Harvey dated 21 April 2021

PLANNING & BUILDING CONTROL
Tracy Harvey **Head of Planning & Building Control**

David Gurtler
Luton Borough Council
Via email

Our Ref: 5/2021/0268
Your Ref: 21/00031/VARCON
Please ask for: Joanna Woof
E-mail: planning@stalbans.gov.uk

Date: 21 April, 2021

Dear Sir,

APPLICATION TO DISCHARGE PLANNING CONDITIONS
TOWN AND COUNTRY PLANNING ACT 1990

Site: London Luton Airport, Airport Way, Luton, Bedfordshire

Thank you for consulting St Albans City and District Council on this application (Luton Borough Council reference 21/00031/VARCON).

St Albans City and District Council raises strong objections to Luton Borough Council in respect of the potential of the proposal to increase aircraft noise to residents in the St Albans City & District area and in respect of the potential of the proposal to increase pollution and traffic impacts.

The expansion of the airport comes at a time when the environmental impacts associated with air travel are of national and global concern and the Council ask Luton Borough Council to carefully consider whether the expansion of the airport in the manner proposed is justifiable in principle in these circumstances.

In any event, this Council considers that any increase in noise, pollution and traffic impacts to residents in the District is unacceptable. It is not clear from the evidence submitted that there is justification for increasing the noise contours to the extent proposed and any increase in noise disturbance for residents is unsatisfactory. There would be an increase in the number of additional dwellings affected by the increased noise contours (particularly during the night-time period) which is unjustified and unacceptable. Furthermore, this Council is not satisfied that all other means of achieving the existing approved noise contour areas have been fully explored. In those circumstances, a variation of condition 10 is not justified.

It is noted that some mitigation measures were put in place by the airport once it was clear that the condition was being breached, such as:-

- Restricting 'ad hoc slot applications' between June and September;
- Restricting further growth to scheduled night-time traffic;
- Preventing rescheduling of existing allocated slots from the day-time to night-time slots between June and September;
- Preventing aircraft with a value greater than QC1 from operating at night; and
- Banning Chapter 2 aircraft operating to and from the airport from April 2020.

However, it is acknowledged by the airport that, even with these measures in place, the existing contour limits were still exceeded in 2018 and 2019. St. Albans City and District Council therefore considers that, if the local planning authority is minded to grant permission, the further mitigation measures and commitments submitted within the application should be enforced through a legal agreement and/or planning conditions and should remain in place until noise monitoring can clearly establish that they are no longer necessary in order to meet the requirements of any new contours.

The Local Planning Authority should also satisfy itself that the existing approved noise contour area cannot be achieved by other means such as limiting the quantum of summer-time flights up to 2024;

changes in aircraft mix; enhanced scheduling of aircraft; improved ground operations and other operational changes at the airport, before approving any increase in the noise contour area limits. These matters have not been satisfactorily set out within the application and the proposal cannot be justified in the absence of a robust examination of them.

Given the inaccuracies in the modelling, assumptions and projections adopted within the original 2012 application and more recently between the March, August and November 2019 forecasts, the Council seeks assurances that the Local Planning Authority will robustly assess the data submitted within the current application and independently review the stated projections and assumptions to ensure that they are appropriate, sound and reliable.

The applicant's submitted noise modelling/forecasting is heavily reliant on assumptions made about the use of quieter 'next generation' aircraft. The applicants do not, however, have sufficient control over this to ensure that it occurs, as forecast. The noise and air quality projections made in the documentation are, therefore, fundamentally flawed and should be revised to include other potential, less optimistic scenarios. Otherwise, it cannot be concluded that the environmental impacts of the proposal have been accurately identified, or that they can be properly managed in accordance with national aviation policy.

The increase in passenger numbers from 18mppa to 19mppa also raises concerns in relation to pollution and traffic impacts. The proposed development would result in an increase in NO2 concentrations and Greenhouse Gas. This Council does not consider that sufficient information has been submitted in terms of mitigation measures and is therefore not satisfied that the overall impact of the proposal or air quality is able to be fully assessed on the basis of the information submitted.

The proposed increase in passenger numbers would result in an increase in daily traffic flows on roads that already suffer significant congestion. This Council has concerns regarding the airport's assumptions in relation to the projected shift towards the use of public transport to access the airport in future years. The lack of mitigation measures in relation to the railway and other public transport infrastructure is of significant concern, as well as is the lack of modelling that takes into account cumulative traffic impact resulting from anticipated growth in the surrounding districts.

In any event, any agreed mitigation measures must be adequately controlled by legal agreement and/or planning conditions and robust review and monitoring triggers must be put in place to ensure those mitigation measures are implemented successfully.

Yours faithfully

Tracy Harvey
Head of Planning & Building Control

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CABINET
21 June 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: CONSERVATION AREA REVIEWS

REPORT OF: *SERVICE DIRECTOR - REGULATORY*

EXECUTIVE MEMBER: *EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT*

COUNCIL PRIORITY: RESPOND TO CHALLENGES TO THE ENVIRONMENT

1. EXECUTIVE SUMMARY

1.1 To consider the draft Conservation Area Appraisal and Management Plans (CAAMPs) for the Ashwell and Pirton conservation areas, including proposed revisions to the conservation area boundaries for public consultation.

2. RECOMMENDATIONS

2.1. That the draft CAAMPs for Ashwell and Pirton are noted.

2.2. That approval is given for public consultation to take place on the draft Conservation Area Appraisals and Management Plans and the proposed amendments to the conservation area boundaries at Ashwell and Pirton.

3. REASONS FOR RECOMMENDATIONS

3.1. To ensure that the conservation areas and historic assets within North Hertfordshire are appropriately assessed and designated to inform decision making for planning applications and in the preparation of local and neighbourhood plans.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. The Council could refrain from undertaking any further work on conservation areas or local assets, but this would not reflect national policy or legislation which requires local authorities to review and monitor conservation areas from time to time and conserve local and designated assets.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. Executive Members and Deputies have been briefed on the relevant matters in this report.

5.2. The consultants have consulted with the respective Parish Councils for some background information, which has been included in the draft reports.

6. FORWARD PLAN

6.1 This decision is a key Executive decision and was first notified to the public in the Forward Plan on 14 February 2022.

7. BACKGROUND

7.1. Conservation areas are designated by the Council in its role as local planning authority. They exist to manage and protect the special architectural and historic interest of a place. Local planning authorities have a duty to review past designations from time to time to determine if any further parts of the area should be included within conservation areas or no longer merit that designation.

7.2 Within the emerging Local Plan Policy SP13: Historic Environment, states that the Council will pursue a positive strategy for the conservation and enjoyment of the historic environment through periodic reviews of Conservation Areas and publication of detailed guidance. In paragraph 4.160 of the supporting text of that Policy it states that: *Over the lifetime of this Plan, we will carry out a programme of work relating to our Conservation Areas with priority for locations with potential development pressures and where there have been significant changes since the designation was first made. The reviews will include the production of character statements and will provide opportunities to consider amending boundaries.*

7.3 Many of the District's conservation areas were designated in the 1960's and 1970's. Consultants were commissioned in 2019 to prepare character statements for the 33 conservation areas that were without information to support the designations. The final character statements were endorsed by Cabinet in January 2021 and are available to view of the Council's website.

7.4 The consultants prepared a Conservation Area Summary Report which recommended five further areas of work, including full conservation area appraisals for Ashwell and Pirton. These were included in the future programme of work also endorsed by Cabinet in January 2021.

8. RELEVANT CONSIDERATIONS

8.1. Consultants were appointed in July 2021 to undertake the conservation area appraisals for Ashwell and Pirton. A draft CAAMP has been prepared for both villages and they are attached as appendices A and B to this report.

8.2. The purpose of the CAAMP is to provide baseline information on the conservation areas and will enhance the understanding of the conservation areas, their development and inform future design.

8.3. Each draft CAAMP sets out the background information about the legislative and policy context for designating conservation areas, includes a description of the history of each settlement, explains the proposed revisions to the conservation area boundaries and

describes the assessment of significance for the conservation areas. There is also a section in each CAAMP which sets out the potential opportunities for enhancement and proposals for the management of the conservation area.

8.4. Historic England recommend that local communities are engaged and consulted when carrying out conservation area appraisals, as the perspective of people living and working in the area will add depth to the appraisal and generate support and understanding for future plans.

8.5. It is proposed that public consultation on the draft CAAMPs take place between July and September. The draft CAAMPs will be made available on the Council's website and a drop-in session will be held in each village where the consultants will be available to explain the draft proposals. The Council will work with the two Parish Councils to promote the consultation period in the villages.

8.6. Depending on the outcome of public consultation, the process may lead to the formal amendment to the conservation area boundaries which will be reported to Cabinet for formal approval.

9. LEGAL IMPLICATIONS

9.1. Under the Terms of Reference for Cabinet, the Constitution states that it may exercise the Council's functions as Local Planning Authority and receive reports on strategic planning matters, (except to the extent that those functions are by law the responsibility of the Council or delegated to the Service Director: Regulatory).

9.2. Section 69 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to designate areas which they consider possess architectural or historic interest worthy of preservation or enhancement as Conservation Areas. As part of this, section 71 of the Act requires the local planning authority to formulate and publish proposals for the preservation and enhancement of these areas, such as in the form of an appraisal document. It is also the Local Authority's duty to ensure that special attention is paid to the desirability of preserving or enhancing the conservation when making planning decisions, as per section 72 of the Act.

10. FINANCIAL IMPLICATIONS

10.1. The costs for the conservation area work are being met from the planning fees reserve. £120k has been earmarked for conservation work over an anticipated three years.

10.2. There are no specific revenue implications arising from this report.

11. RISK IMPLICATIONS

11.1. Sustainable Development of the District is identified as a Corporate Risk. The preparation of a CAAMP for the two conservation areas will assist in promoting sustainable development in the future.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. Section 8.4 refers to the key engagement of the community in developing CAAMPs. This engagement should advance equality of opportunity/foster good relations in consultation with all demographics within the area (including those who exhibit protected characteristics).

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. The preparation of CAAMPs for the conservation areas will assist in the management of the historic environment.

15. HUMAN RESOURCE IMPLICATIONS

15.1. There are no new human resource implications arising from the contents of this report. The public consultation process will be undertaken by the consultants.

16. APPENDICES

16.1 Appendix A – Ashwell Conservation Area - CAAMP

16.2 Appendix B – Pirton Conservation Area - CAAMP

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18. BACKGROUND PAPERS

18.1 Cabinet report : Conservation Area Summary Report and Next Steps, 26 January 2021, Agenda Item 10

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Ashwell Conservation Area
Character Appraisal and Management Plan

Client:
North Herts Council

Date:
June 2022

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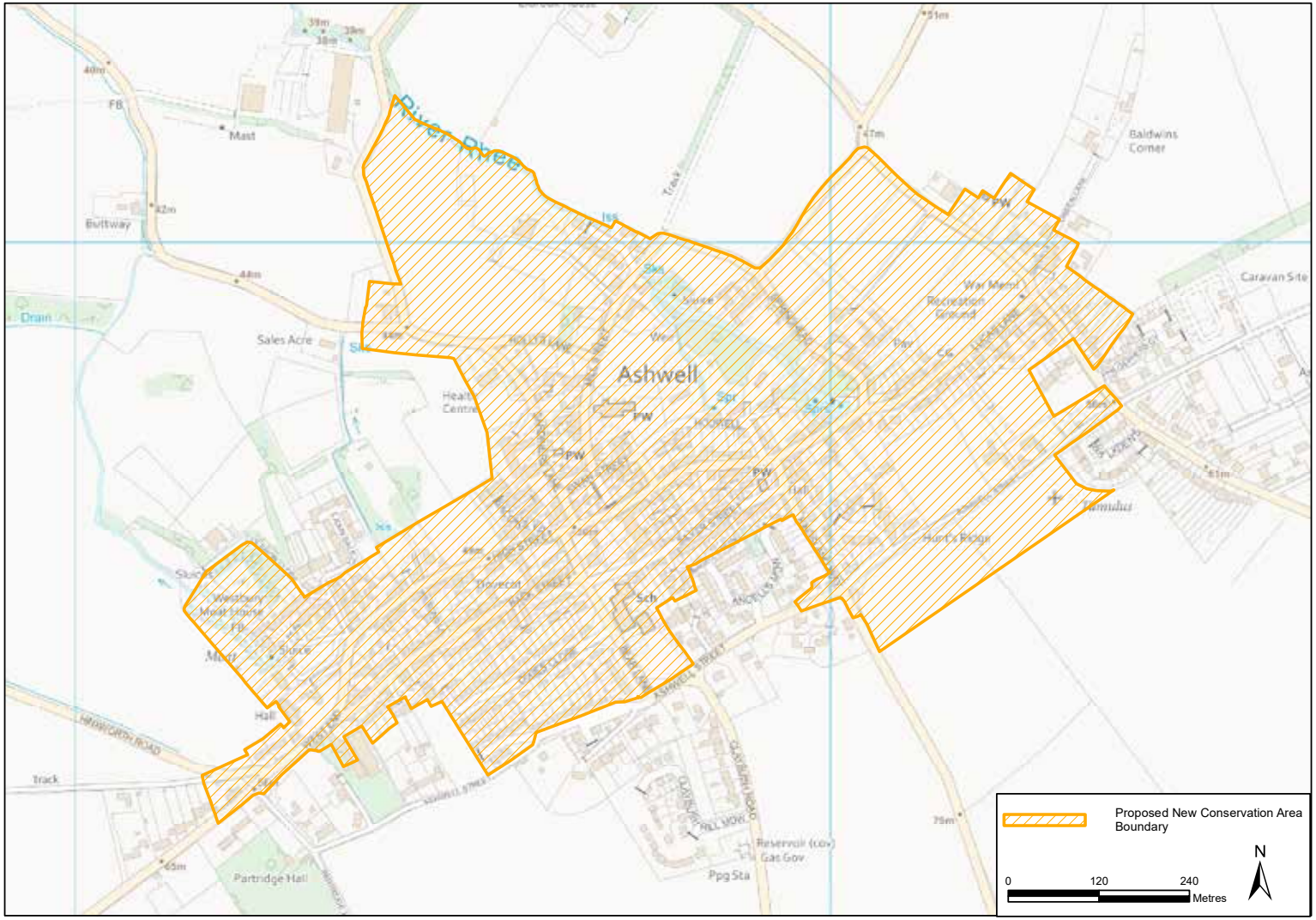

Figure 1: Map of the Ashwell Conservation Area, Proposed 2022 Boundary

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1. Introduction

1.1 Summary

The village of Ashwell is located on the site of a spring, which feeds the River Rhee, one of the main sources of the River Cam. The village is at the base of a chalk escarpment with large, flat open fields to the north. To the south there is another rising scarp of chalk, also dominated by fields in agricultural use. The village has expanded in recent decades with modern housing extending beyond the boundaries of the Conservation Area to the west, south and east.

The springs at Ashwell have been an important asset and a focus for the local population throughout history, from the prehistoric to the modern era. There is evidence for prehistoric burials and occupation in the surrounding area, while the spring water was used in brewing into the second half of the twentieth century.

The Conservation Area boundary encompasses much of the village, reflecting the valuable archaeological, architectural, social and historic features and spaces which contribute to its character and special interest. The Conservation Area includes seventy-three designated heritage assets including a scheduled ancient monument, a Registered Park and Garden, Ashwell Bury, and a Grade I listed building, St Mary's Church. There are areas of medieval settlement, nineteenth-century industrial development, inter-war civic areas and post-war housing. These elements contribute positively to the Conservation Area's significance and providing a tangible link to the history and heritage of Ashwell and its environs.

1.2 Purpose of the Appraisal

This document is to be used as a baseline to inform future change, development and design with regard to the sensitivities of the historic environment and its unique character.

The appraisal recognises designated and non-designated heritage assets within the area which contribute to its special interest, along with their setting. It will consider how different Character Areas within Ashwell Conservation Area came to be developed, their building styles, forms, materials, scale, density, roads, footpaths, alleys, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities will be used to assess the key characteristics of each area, highlighting potential impact future developments may have upon the significance of heritage assets and the character of Ashwell. This assessment is based on information derived from documentary research and analysis of the individual Character Areas.

This appraisal will enhance understanding of Ashwell Conservation Area and its development, informing future design. Applications that demonstrate an understanding of the character of a Conservation Area are more likely to produce appropriate design and positive outcomes for agents and their clients.

It is expected that applications for planning permission will also consult and follow the best practice guidance outlined in the bibliography.

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1.3 Frequently Asked Questions

A selection of frequently asked questions are outlined below. If you require further advice, please contact North Herts Council's planning department. Hyperlinks to further information are included within the text; a list of all inks is included as Appendix .

What is a conservation area?

Conservation areas are designated by the Local Planning Authority as areas of special architectural and historic interest. There are many different types of conservation area, which vary in size and character, and range from historic town centres to country houses set in historic parks. Conservation area designation introduces additional planning controls and considerations, which exist to protect an area's special character and appearance and the features that make it unique and distinctive. Although designation introduces controls over the way that owners can develop their properties, it is generally considered that these controls are beneficial as they sustain and/or enhance the value of properties within conservation areas.

The National Planning Policy Framework regards conservations areas as 'designated heritage assets'.

The 1990 Planning (Listed Buildings and Conservation Areas) Act specifies the general duty of Local Authorities, in the exercise of planning functions (Section 72). The 1990 Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

How are conservation areas designated and managed?

The designation process includes detailed analysis of the proposed conservation area and adoption by the local planning authority. A review process should be periodically undertaken, and the Conservation Area assessed to safeguard that it retains special architectural or historic interest. Threats can be identified, and the boundary reviewed, to ensure it is still relevant and appropriate.

This Conservation Area is supported by an appraisal and management plan. The appraisal describes the importance of an area in terms of its character, architecture, history, development form and landscaping. The management plan, included within the appraisal, sets out various positive proposals to improve, enhance and protect the character and appearance of the Conservation Area.

How can I find out if I live in a conservation area?

Boundary maps of all conservation areas in the district can be found on North Herts Council's website. The council also has an online interactive map search function, which allows you to search for a specific property. Full details, including contact details for the local authority, can be accessed via this link.

What are the Council's duties regarding development in conservation areas?

The Local Authority must follow the guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out in clear terms how development proposals within Conservation Areas should be considered on the basis of whether they preserve and enhance the character and appearance of the area. Applications which fail to preserve or enhance the character of the

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Conservation Area are likely to be refused as a result. An authorities Local Plan also typically includes a specific policy on Conservation Areas.

Do I need permission to change a property in a conservation area?

Permitted development rights are not the same within a conservation area as they are elsewhere. This means things that normally would not require planning permission will require consent within a conservation area's boundary. For example, side extensions, two storey rear extensions, roof extensions and the cladding of buildings, which normally would class as permitted development, require planning permission if the building affected is in a conservation area.

North Herts Council's planning team can provide further information on whether alterations require planning permission. Full details of permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

Further consideration may also need to be given to the setting of listed buildings, which many conservation areas are likely to contain.

Do I need to make an application for routine maintenance work?

If routine maintenance works are to be carried out using authentic materials and traditional craft techniques, on a like-for-like basis, it is unlikely that you will need to apply for permission from the local authority. However, it is strongly recommended that you contact the local planning authority for clarification before commencing any works. The use of a contractor with the necessary skills and experience of working on historic buildings is essential. Inappropriate maintenance works and the use of the wrong materials will cause damage to the fabric of a historic building.

What is an Article 4 Direction?

Some conservation areas are covered by an Article 4 Direction, which brings certain types of development back under the control of a local planning authority. This is in addition to the exemptions outlined in the Permitted Development Order Act and, where in place, an Article 4 direction allows potentially harmful proposals to be considered on a case by case basis through planning applications. Article 4 Directions are used to control works that could threaten the character of an area and a planning application may be required for development that would otherwise have been permitted development. Historic England provides information on Article 4 Directions on their website.

Can I demolish a building in a conservation area?

Demolition, or substantial removal of part of a building within a conservation area, will usually require permission from the local planning authority. It is important to speak to them before beginning any demolition works, to clarify if permission is required. This includes the demolition of boundary walls.

Will I need to apply for permission for a new or replacement garage, fence, boundary wall or garden structure?

Any demolition, development or construction in conservation areas will generally need planning permission. A replacement boundary, garage, cartlodge or greenhouse will need to be designed with the special historic and architectural interest of the Conservation Area in mind. North Herts Council will provide advice as to how to proceed with an application.

Can I remove a tree within a conservation area?

If you are thinking of cutting down a tree or doing any pruning work,

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the local planning authority must be notified 6 weeks before any work begins. This enables the authority to assess the contribution the tree makes to the character of the conservation area and, if necessary, create a Tree Preservation Order (TPO) to protect it. Consent will be required for any works to trees that are protected. Further information on TPOs can be found on Historic England's website.

How can I find out more?

Historic England's website has information on conservation areas and their designation. Further information on the importance of conservation areas, and what it means to live in one, can also be accessed via their website.

Historic England has also published an advice note called Conservation Area Designation, Appraisal and Management which sets out advice on the appraisal of conservation areas and managing change in conservation areas. It is available to download here.

In addition, local planning authorities have information on the conservation areas within their boundaries available on their websites. They will have information pertaining to when the conservation area was designated, how far it extends and the reason for its designation.

Figure 2: Cover Page, *Conservaton Area Appraisal, Designation and Management*, Historic England

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1.4 Planning Policy Context

National Planning Policies

The national legislative framework for the creation, conservation and enhancement of conservation areas and listed buildings is set out Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990).

Section 69 of this act requires Local Planning Authorities to designate areas which they consider possess architectural or historic interest worthy of preservation or enhancement as Conservation Areas. As part of this, section 71 of the Act requires the Local Planning Authority to formulate and publish proposals for the preservation and enhancement of these areas, such as in the form of an appraisal document. It is also the Local Authority's duty to ensure that special attention is paid to the desirability of preserving or enhancing the conservation when making planning decisions, as per section 72 of the Act.

National planning policy in relation to the conservation and enhancement of heritage assets is outlined in the Government's National Planning Policy Framework, or NPPF (DCLG 2021). Chapter 16 of the NPPF relates specifically to the historic environment, with Annex 2: Glossary providing a definition of heritage terms, some of which are reproduced in Appendix 6.4 of this document.

Within the NPPF, the importance of heritage assets is outlined, with emphasis placed upon the contribution they make to the quality of life of existing and future generations. Local Planning Authorities should seek to preserve or enhance the historic environment, developing strategies which consider the wider benefits that the conservation of heritage assets can bring, and draw upon the contribution made by the historic environment to local character and distinctiveness.

A further national planning policy which applies is The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

Careful consideration must be given to the Permitted Development Order by the Local Planning Authority, Residents and other Interested Parties, as many permitted development rights are removed in Conservation Areas.

Local planning polices

The emerging Local Plan is still under examination (June 2022) but there are a number of policies which set out the Council's approach to the historic environment. These are:

SP13: Historic Environment

Policy HE1: Designated heritage assets

Policy HE2: Heritage at risk

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Supplementary Planning Guidance:

Ashwell Neighbourhood Plan 2021

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Relevant policies:

- Policy ASH3 Character of Development
- Policy ASH4 Design of Development
- Policy ASH8 Protecting Historic Assets
- Policy ASH9 Locally Significant Views
- Policy ASH10 Natural Landscape and Rural Character
- Policy ASH11 Natural Wildlife Assets, Wildlife Corridors and Green Infrastructure

The Ashwell Neighbourhood Plan

The Ashwell Neighbourhood Plan was submitted by the Parish Council to North Hertfordshire District Council on 5 February 2021 and is now part of the statutory development plan. The plan sets out a vision for the parish and planning policies which will be used to determine planning applications within the parish. The Ashwell community has stressed that new development should reflect the character of the parish and that the design of development should look and feel like local properties and the Neighbourhood Plan requires high-quality design standards that integrate with the area and reflect and reinforce, without overwhelming, the rural character of the parish.

Policy ASH3 of the Neighbourhood Plan relates to character of development and states the following:

A) *Development should conserve and enhance the Conservation Area, the Character Areas V1 to V5 as shown in Figure 7.1 , and key views and assets identified in the Conservation Area Character Statement 2019.*

B) The design of new development should demonstrate how it has taken account of the local context and reflected the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the ANP area. For example: clusters of large, similar houses (in excess of three bedrooms) are not a characteristic of the village. However, innovation in design will be supported where this demonstrably enhances the quality of the built form in a character area.

C) As appropriate to their scale, nature and location, development proposals should address the following criteria:

> *(i) make a positive contribution to the visual impact of the village from the highway and footpath approaches; and*
>
> *(ii) not have a significantly detrimental impact on the local views as set out in POLICY ASH9 Locally significant views.*

D) Development proposals affecting designated and non-designated heritage assets (either directly or via a change in their settings), will be expected to respect, conserve and enhance the significance of those assets.

In Policy ASH9 the Plan identifies locally significant views and states the following:

A) The Plan identifies twenty one locally-significant views, described and mapped in Figures 6.9 and 6.10. As appropriate to their scale and nature, development proposals within the arcs of the various views as shown on Figure 7.10 should be designed in a way that safeguards the locally-significant view or views concerned.

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B) Development proposals are required to ensure that they do not have a significantly detrimental impact on the locally significant views shown in Figure 7.9 and mapped in Figure 7.10 and the policy maps, Figure 16.1 and Figure 16.2

C) Development proposals are to comply with the findings and guidelines in Character Area Assessment 224 referred to in paras 7.44 to 7.47 of the ANP.

In addition, the Ashwell Neighbourhood Plan identifies distinct character areas, such as West End, Station Road, Angell's Meadow and Woodforde Close. In addition, it identifies five Visual Character Areas:

- V1: The "Church and Environs" preserves the open nature of the church and surrounding farmsteads and meadows to the North of the village.
- V2: The "Eastern Area" protects the ribbon development east of the recreation area and treats it as part of the countryside.
- V3: “Dixies Meadow / West End” protects farmstead buildings and extensive views of the countryside fields.
- V4: The "Southwest Area" protects against further extension of the village in this area, which would appear to be visually sensitive and located on rising ground.
- V5: The "Southern Edge" protects the low density, ribbon development from further consolidation.

Policy ASH10 states that development proposals should maintain and enhance the natural environment, and retain landscape features, in accordance with Natural England’s Statements of Environmental Opportunity (SEO) for the East Anglian chalkland character area and enhance the rural character and setting of Ashwell (Policy ASH 10A).

Policy ASH11 states that planning applications should take account of the need to manage wildlife assets, wildlife corridors and green infrastructure, and must demonstrate a net biodiversity gain using the DEFRA/Natural England metric. The proposals must have no adverse effect on Ashwell Springs.

allows for the designation of local green spaces which are of particular importance to the local community. This will afford protection to areas that fulfil certain criteria, including the following

- Where the green space is in reasonably close proximity to the community it serves
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.
- Where the green area concerned is local in character and is not an extensive tract of land.

Further information on neighbourhood planning policies and guidance can be accessed via this link.

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2. Context and Character

The Ashwell Conservation Area encompasses the historic core of the village, reflecting the scale of the medieval settlement. It includes most of the settlement of Ashwell, excluding some areas of modern housing to the south and east, The High Street runs west to east through the centre of the settlement, while plots extend to the north and south. Beyond the High Street there are secondary west to east running lanes, Back Street and Silver Street to the south and Hodwell and Swan Street to the north. To the north, the Conservation Area includes the Registered Park and Garden of Ashwell Bury.

An early marketplace may have been located at the western end of Swan Street, although being off the main routes across the county, Ashwell's markets and fairs appear to have declined in the post -medieval period. To the north of this area, along Mill Street is the medieval church of St Mary, a Grade I listed building, the scale of which indicates the wealth and prosperity of the medieval village. The historic core of the village has a number of timber-framed domestic houses, while on the periphery of the historic core are examples of timber-framed farmsteads and agricultural buildings. Some timber-framed buildings were re-clad in red brick in the post-medieval period, reflecting changes in architectural tastes. In the nineteenth century there was an expansion to the village, partly due to the brewing industry within Ashwell, exploiting the natural spring. There was also a significant fire in the village in 1850 and presumably many timber-framed buildings were lost, to be replaced with buildings often in Arlesey White bricks.

Ashwell Conservation Area has a coherent character, although within this there are distinct variations, which represent phases in the historical development of the settlement, right up to the twentieth century.

Figure 3: Satellite image showing Ashwell and its environs

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2.1 Origin and Evolution

The following section provides an overview of the history of Ashwell Conservation Area and the surrounding settlement.

Prehistory: Palaeolithic to Iron Age (-10,000 BCE – 43 AD)

The wider Ashwell area has a history of activity originating in the pre-historic period, probably due in part to the presence of the springs which are the source of the River Rhee. There is much evidence for prehistoric activity locally and notably, 1.2km to the south-west of the centre of Ashwell is the site of the Iron Age univallate hillfort of Arbury Banks.

Within the Conservation Area itself, evidence of prehistoric activity has been found. Pits and a ditch dating from the Late Neolithic/Early Bronze Age were found at Westbury Farm in 1997 at the western end of the Conservation Area.

Late Iron Age-Early Roman finds were recovered from the field between the High Street/Lucas Lane and Ashwell Street, known as 'Hunts Close'. A double-ditched enclosure also from the Late Iron Age/Early Roman period has been identified on the western side of Hunts Close, which may potentially represent the site of a Romano-British temple.

Directly opposite Hunts Close, on the other side of the High Street, further multi-period finds were recovered over a number of years including a substantial collection of 258 worked flints dating from the late Neolithic/early Bronze Age, late Iron Age-Early Roman pottery, and Romano-British coins. As well as the sites described above, there are several locations in close proximity to the Conservation Area that contain important prehistoric remains, and therefore have a bearing on the archaeological potential of the area. These include a substantial late Neolithic henge monument and cropmarks of five ring-ditches to the south, a possible Late Iron Age-Early Roman Road east of the Conservation Area, several Romano-British burials to the east, and surviving earthworks of the early Iron Age hillfort of Arbury Banks to the south-west of Ashwell [Figure 4].

Roman (43 – 410 AD)

The Ashwell area has a wealth of evidence for activity in the Roman era, again due to the presence of the natural springs. Multiple sites within the Conservation Area contain Roman remains. A collection of Roman coins and second and third-century pottery sherds were uncovered in Hunts Close, including Roman coins, as well as a decorated handle displaying the head of Neptune, and a copper-alloy bird terminal.

Figure 4: Arbury Banks Hillfort, to the southwest of Ashwell (photo credit: Ashwell Parish Archives)

Several other important Roman sites are located in close proximity to Ashwell's conservation area. Perhaps most prominently, around 1km to the north-west of the conservation area, at Ashwell End, a Roman ritual feasting site was uncovered in 2002, dedicated to the previously unknown goddess 'Senuna' [Figure 5]. It has been suggested that the tributary at Ashwell originally would have borne the name 'Senuna', which linguistically evolved over the intervening centuries into 'Rhee'. The site contained depositions of pottery, figurines and hoards of gold and silver objects.

An area 900m to the north-east of Ashwell is designated as a Scheduled Monument and the location of the Roman Villa, while roughly 1.5 km

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to the northwest is the site of a Roman fortlet. In addition, around 1.2km to the north-west of the conservation area remains of a substantial Roman villa and surrounding complex were excavated in 1972-3. Further cropmarks 1.3km south-west of Ashwell appear to show another Roman Villa surrounded by an associated field system and other enclosures.

Anglo Saxon and Early Medieval (410 – 1066 AD)

The layout of the medieval settlement is legible in Ashwell's historic core. This includes part of the High Street, Swan Street, Hodwell, Gardiner's Lane and Mill Street, with the area dominated by the Church of St Mary. An excavation at Merchant Taylor's School, on the west side of Mill Street, in 2004 uncovered several medieval features, of a general eleventh-thirteenth century date. These were interpreted as being indicative of a period of growth in the medieval village, as it expanded in the area immediately around the church.

As with earlier periods, Hunts Close has revealed archaeological remains dating to the medieval period including an assemblage of pottery, several metal objects, coins, and a pewter pilgrim's badge.

Westbury Farm, partially within the western extent of the Conservation Area, is a historic farmstead, with a section of moat surviving on its western side. Moated sites are a significant class of medieval settlement form, most commonly dating to between 1250 and 1350 and often containing high-status ecclesiastical or private residences. At Westbury Farm twelfth and thirteenth-century buildings underlie the three later moat phases from the fourteenth century.

Figure 5: Statuette of the Goddess Senuna, found at Ashwell End (Ashwell Museum)

Ashwell originated as a Borough and thus was a market town in origin. The first documented reference to a market is in 1211, and in 1295 the Abbot of Westminster claimed rights to hold a market and fairs at Ashwell. Several listed buildings within the conservation area have late medieval origins, including the Grade II* listed Town House, now Ashwell Museum which dated to c 1500. The Grade II listed Lychgate of St Mary's Church also dates to c 1500, as does the Grade II listed Chantry House. The Grade I listed Ashwell St Mary Church was completed in 1381 and its scale and grandeur are evidence for the wealth of the village in the medieval era [Figure 6]. However, Ashwell appears to have entered a period of slow decline in the late-medieval period. This is likely to have been due to either the decline of the market, or the somewhat isolated position of the village off the main routeways across Hertfordshire and the village became more reliant on agriculture as a source of income.

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Post-Medieval (1540 – 1901 AD)

By 1799 there was no longer an official market at Ashwell, although the last reference to a market existing is in 1862. Expansion of the village was limited before the nineteenth century, although architecturally there are examples of late-medieval buildings being reclad with fashionable brick facades in the seventeenth and eighteenth centuries., The small country house of Ashwell Bury at the centre of the Registered Park and Garden is early-nineteenth century in date, with late-nineteenth century extensions. The building was altered and extended again by Sir Edwin Lutyens between 1922-26.

At about 11pm on the 2nd of February 1850, what became known as the Great Fire of Ashwell broke out towards the western end of Back Street. It burned until 4am the next morning and destroyed many buildings, to the south of the High Street, reaching as far east as Kingsland Way. This area was subsequently redeveloped with brick-built buildings and as a result has a more prominent nineteenth-century character. A plan of Ashwell before the fire was captured in the 1840 Tithe map [Figure 7].

The Ashwell Spring provided the necessary supply of fresh water for the establishment of breweries in Ashwell and this became an important economic activity in the village. A brewery was founded in 1843 by Benjamin Christy and John Sale and later acquired by J.R. Page. The brewery was located on the north side of West End but closed in the early twentieth century The Malting was retained and converted into a village hall in 1922.The remainder of the buildings were demolished in 1947.

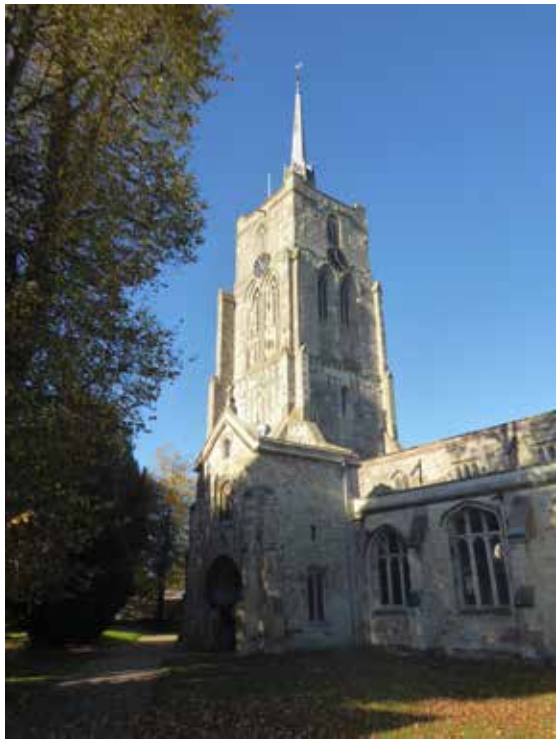

Figure 6: St Mary's Church

Modern (1901 – present)

George Fordham and his son Edward George began brewing in Mill Street in 1836. The brewery remained open until 1953, but was eventually largely demolished by 1973, with the remaining buildings converted into housing. The country house associated with this brewery is Ashwell Bury, now contained within an early 20th-century planned garden. Along with brewing and agriculture, coprolite digging (fossilised dinosaur faeces) and straw plaiting were also important industries.

When ground up, coprolites can be mixed with acid or water to make agricultural fertiliser. Straw plaiting to make hats and bonnets was an important cottage industry in the 19th century mainly part practiced by women and children to supplement the household income of agricultural labouring families.

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Ashwell's population declined between 1891 and 1901, when the demand for straw plait stopped and the supply of coprolites became exhausted. In the twentieth century the two breweries closed, Pages in 1919 and Fordhams in 1966.

Ashwell Railway Station located to the south-east of the village, was opened by the Royston and Hitchin Railway Company (R&HR) in 1850, the station being one of many on the line between Hitchin and Shepreth. The R&HR was later absorbed by the Great Northern Railway and the station's name was later changed to Ashwell and Morden in 1920.
The multi-period archaeological site of Hunts Close also contains the partial remains of a wrecked World War Two airplane. Multiple metalwork fragments have been found on the site and attributed to the plane. The report on the trial trenching investigation of the site in 2019 postulated that the debris recovered from the site is the result of a mid-air collision that occurred in July 1941, between a Wellington Bomber (R1334) and a German Junkers 88. Some accounts state that the Wellington came down in Hunts Close (narrowly avoiding the historic village), while the Junkers 88 crashed in a field known as Red Bank Field on the southern side of Ashwell Street. All crew involved in the crash were killed

At the eastern end of the Recreation Ground, on the corner of Lucas Lane and Station Road is the Grade II listed Ashwell War Memorial. It was unveiled in 1921, after Ashwell's war memorial committee had selected a winning design. The Committee was set up in 1919 under the chairmanship of Wolverley Attwood Fordham, of Fordham's Brewery, with his wife Phyllis as secretary. The cross was built in Portland stone by Holland, Hannen and Cubitt Ltd, the same contractors for the Cenotaph in Whitehall. The memorial was designed by Sir Edwin Lutyens, the pre-eminent architect for war memorials in England, France and the British Empire, who's design was selected over other competitors, including the architect Sir Reginald Blomfield.

In the Post-war era, the area between Back Street and Ashwell Street, to the south of the

Figure 7: 1840 Tithe Map.The Conservation Area is marked in red

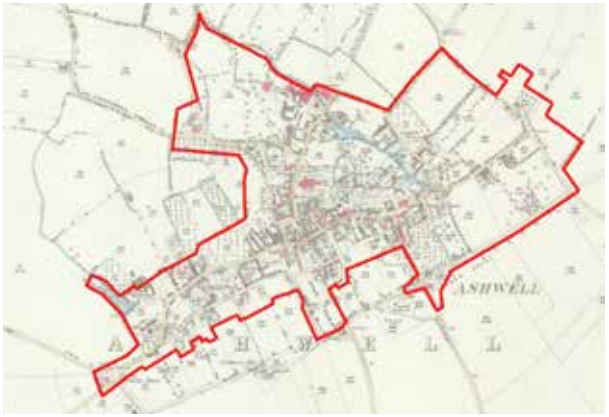

Figure 8: 1888 Ordnance Survey Map. The Conservation Area is marked in red

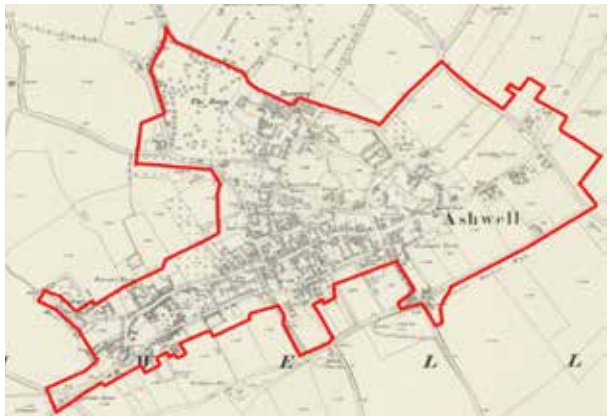

Figure 9: 1903 Ordnance Survey Map, the Conservation Area is marked in red

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village core, was developed with council housing. With bomb-damaged cities and men returning from service in the armed forces a nationwide short-term solution was needed to the housing crisis. The Ministry of Works undertook a nationwide housing programme, which saw the construction of prefabricated concrete houses, designed by Sir Edwin Airey. They subsequently became known as Airey Houses.

Figure 10: Promotional poster for Fordham Brewery, which was an important part of the village's economy

Figure 11: Fordham Brewery in 1932

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2.2 Designation of the Conservation Area

Ashwell Conservation Area was designated by North Hertfordshire District Council in 1968 and its boundary was amended in 1978 and 1986. A Conservation Area Character Statement was produced in 2019, which identified the significance of the Conservation Area but did not assess the boundary or provide a management plan.

There are currently no Article 4 Directions within the Ashwell Conservation Area.

2.3 Revisions to the Boundary

As part of this review, the Conservation Area boundary has been revised to reflect changing methodologies of good practice and provide a clearer strategy which acknowledges the practicalities of Ashwell's unique built environment. This review is in line with the NPPF guidance on Conservation Areas (paragraph 191).

A map which marks the existing and proposed boundary is included as Figure 12, this revised boundary has been informed by site visits, document research and information provided by the parish council. Early engagement with Ashwell Parish Council led to suggested areas for consideration for inclusion within the Conservation Area boundary. These areas were assessed as part of the overall boundary review.

When assessing the designation of conservation areas, it is essential that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. The inclusion of areas which lack special interest, undermines the concept of the Conservation Area and weakens the protection it affords. While an area may be valued by the local community for its ecological significance or its wildlife, or for views that it provides, without a tangible, architectural or historic special interest it cannot be considered appropriate for protection by Conservation Area designation. Other local and national designations are more suited to protecting undeveloped areas of natural wildlife or areas of beauty or ecological significance.

The relationship to the setting of the Conservation Area and its boundary is also an important one to consider. In this case, the setting of Ashwell Conservation Area has a distinct, rustic character and the village is surrounded by open fields, hedgerows and paddocks which enhance the ability to appreciate the Conservation Area's significance and character, but do not have the special architectural or historic interest in their own right. The setting of Ashwell Conservation Area is discussed in detail in section 3.2.6 of this document.

Additions

As a result of the assessment a number of areas were proposed for inclusion within the boundary and these vary in size, with small adjustments to complement property boundaries as well as whole new streets of houses being included. The areas proposed for addition are given below:

1) Ashwell Street between Bear Lane and Partridge Hill

This area stretches from the corner of Newnham Way and Partridge Hill, up Partridge Hill to Ashwell Street and along the south side of Ashwell Street to Bear Lane linking up with the present Conservation Area.

In the immediate post-war period, the Ministry of Works undertook a nationwide housing programme, with the construction of pre-fabricated concrete houses, clad with shiplap concrete panels. They were designed

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by Sir Edwin Airey and became known as Airey Houses. They were intended to be a short-term solution to the housing shortage and due to their basic construction, they quickly reached the end of their intended life-span and many surviving examples today are in disrepair. The recladding of the homes became essential and the examples of the Airey Houses on and around Dixies Close were probably built in the early 1950s and reclad in 1989. As a result, Dixies Close is recognisably a distinctive and cohesive development that is defined by its uniformity and has historic interest.

The inclusion of the unpaved parts of Ashwell Street along with some of its late-twentieth century houses, which are set back from the road with large gardens, has also been considered. In addition, the allotments, a late twentieth century works building and modern houses have been assessed. Views from here out of the village to open fields and the strong connection to the countryside are important attributes but these areas do not contribute to the architectural or historic special interest of the Conservation Area.

In contrast, the Airey Houses on Back Street, Dixies Close and Bear Lane are of historic and architectural interest. The general poor quality of Airey Houses when built has resulted in many being found unsuitable for mortgage and although built across the nation in the 1940s and 50s, those that survive are seldom in as good condition as the examples in Ashwell. They were successfully re-clad in the 1980s, which ensured their continued use and survival. The buildings represent a single phase of development, illustrative of a recognised historic period of construction on a national level, to provide dwellings after the Second World War.

Therefore, it is recommended that the Conservation Area boundary is extended to include the Airey Houses on and around Dixies Close, Bear Land and Ashwell Street. However, the inclusion of the allotment gardens is not recommended, nor the late-twentieth century houses, to the west of the allotment gardens.

2) Ashwell Cemetery

The village cemetery on Station Road is partially already included within the Conservation Area boundary and it contains two listed tombstones. However, the Arts and Crafts style chapel of ease and a further plot of the cemetery are currently excluded. The extension of the boundary to include the chapel and the rest of the cemetery has been considered. The well-kept cemetery and the chapel are of sufficient character and architectural special interest to warrant inclusion within the Conservation Area and therefore it is recommended that the boundary is extended to include the whole of Ashwell Cemetery.

3) Land to the south of Ashwell Street between Station Road and Kingsland Way

This comprises a strip of open arable land, which falls just outside the settlement boundary and marks, along with the unpaved section of Ashwell Street, the distinct transition between the settlement boundary to the north and open rural countryside to the south. The land forms the northern part of an area that has considerable archaeological potential, including five Bronze Age ring ditches which are protected as Scheduled Monuments. The northernmost of these is proposed for inclusion within the Conservation Area boundary, along with a strip of land adjacent to Ashwell Street.

While the ring ditches are afforded individual protection due to their Scheduled status, the area proposed for inclusion undoubtedly has historic interest due to its archaeological significance and potential for deposits, features and artefacts. Its inclusion would enhance the overall historic interest of the Conservation Area and it is recommended that the area is included.

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4) Westbury Double Moated Site

It is proposed to extend the boundary to include the whole of the double moated manor site at Westbury. Moated manorial sites were a development of the later-medieval era, mainly as a demonstration of status, but the moat also would have provided some security and seclusion. There are in the region of 6,000 moated sites known in England and double moated sites are less common. The site at Westbury is not a scheduled monument but contains the Grade II listed Westbury Farmhouse, a fifteenth to sixteenth-century hall house with jettied cross wings and two associated, later Grade II listed agricultural buildings. The extension of the boundary includes all of the historic earthworks that form the setting of the listed buildings. The significance of the site will enhance the overall historic special interest of the Conservation Area.

5) 34 West End

On the north side of West End the boundary has been amended slightly, so as to conform to the existing boundary of the garden of the dwelling at number 34. Similarly, the boundary has been adjusted to fit existing property boundaries to the west of the Westbury moated site.

6) The Orchard, West End

In the area where West End intersects with Back Street the boundary has been amended to include the whole of the listed building at The Orchard, on the southern side of West End. This amendment continues to exclude the modern works building adjacent to The Orchard.

7) Ashwell Surgery

The Conservation Area boundary previously ran through the centre of the Ashwell Surgery and so it has been amended in this area to correspond to the existing property boundaries.

Reductions

Only one area is proposed for reduction. A new development of houses on Station Road at what is now called Townsend Meadow is proposed for removal from the Conservation Area. The character of the development, the materials and design of the dwellings are generic and do not reference the Conservation Area and the cul-de-sac development has a negative impact on its character and special interest.

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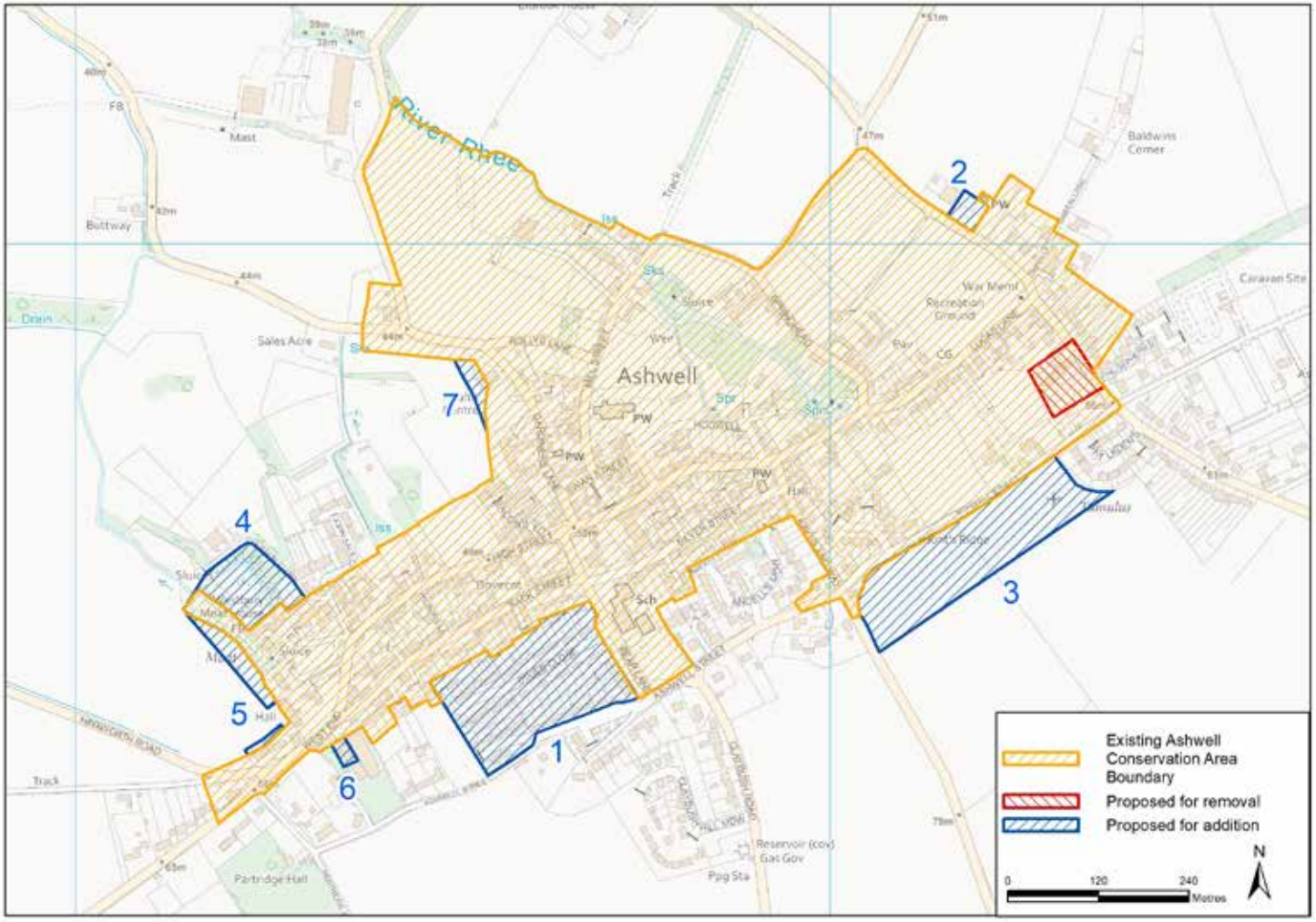

Figure 12: Ashwell Conservation Area, proposed 2022 boundary

2.4 Designated Heritage Assets

There are seventy-three designated heritage assets within the Ashwell Conservation Area boundary, including timber framed houses, agricultural buildings, monuments and the Grade I listed Church of St Mary. A full list of all the designated assets within the Conservation Area is included in Appendix 6.1.

These buildings, structures and features have been listed by the Secretary of State for Digital, Culture, Media and Sport due to their special historic and architectural interest as defined by Historic England. Further information about the listing process can be found on the Historic England website.

Ashwell Conservation Area contains a very high number of listed buildings which emphasises its special architectural and historic interest. Many building types are designated, including timber-framed buildings, brewery buildings, historic inns, places of worship, cottages and shops, providing a rich and layered representation of English architectural history. The variety is important, highlighting how Ashwell has developed and altered over time and acknowledging the multiple phases of its development.

As a result of the proposed revisions to the boundary, Ashwell Conservation Area contains the northernmost example of a group of five Bronze Age ring ditches, which are listed as a scheduled monument: Crop Marks of five Ring Ditches west of Station Road, Ashwell. The features form a coherent group of prehistoric funerary monuments and are a major component of the multi-period ritual landscape around the village.

The five ring ditches are to the south of Ashwell Street, dispersed across a number of fields and are centred on the site of a henge. The henge was initially identified as a round barrow through aerial photograph but was then redefined as a henge following a full excavation. The ring ditches probably represent the remains of a dispersed barrow cemetery, and the area has considerable archaeological potential. The area within and around the crop marks may contain flat graves, cremation burials and traces of early occupation.

Ashwell Conservation Area contains Ashwell Bury Registered Park and Garden which lies on the northern edge of the village. The main approach is off Mill Street, between two brick piers flanked by a brick wall, to the south-east of the Grade II listed Ashwell Bury House. The house was built in the early-19th century and extended in the late-19th century. It was remodelled from 1922 to 1923 by Sir Edwin Lutyens.

The formal gardens and pleasure grounds lie to the west and north-west of the house and include terraces, stone steps and a kitchen garden. The gardens date to the early twentieth century and were designed by Gertrude Jekyll. The house and gardens are situated within a further four hectares of parkland. Jekyll's detailed layout and planting plans survive and are dated 1908-1909. Views from the parkland extend south-east towards the church and village, and south and west over agricultural land.

2.5 Non-Designated Heritage Assets

All buildings, features and planned landscapes within a Conservation Area contribute to its significance. These can be measured on a sliding scale of positive, to neutral, to negative contributors.

Heritage assets are defined in Planning Policy Legislation as ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of

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its heritage interest.'

Not all heritage assets are designated. Although a building may not be included on the national list, this does not always mean it is of no heritage value. Buildings and other smaller features of the built environment such as fountains, railings, signs and landscaping can make a positive contribution to the appreciation of an area's historic interest and its general appearance.

Local listing is an important tool for local planning authorities to identify non-listed buildings and heritage assets which make a positive contribution to the locality. North Herts Council currently has Registers of Buildings of Local Interest for Baldock, Hitchin, Letchworth, Newnham, Knebworth (parish) and Royston.

No Register of Buildings of Local Interest currently exists for Ashwell. This document has identified some non-designated heritage assets which make a positive contribution to the Conservation Area and could be considered for local listing in the future. These are identified in the descriptions of each of the four Character Areas outlined in Section Three. The assessment of the buildings of Ashwell is not exhaustive and there may be buildings of local heritage significance that are not mentioned in this document, that would still qualify for local listing.

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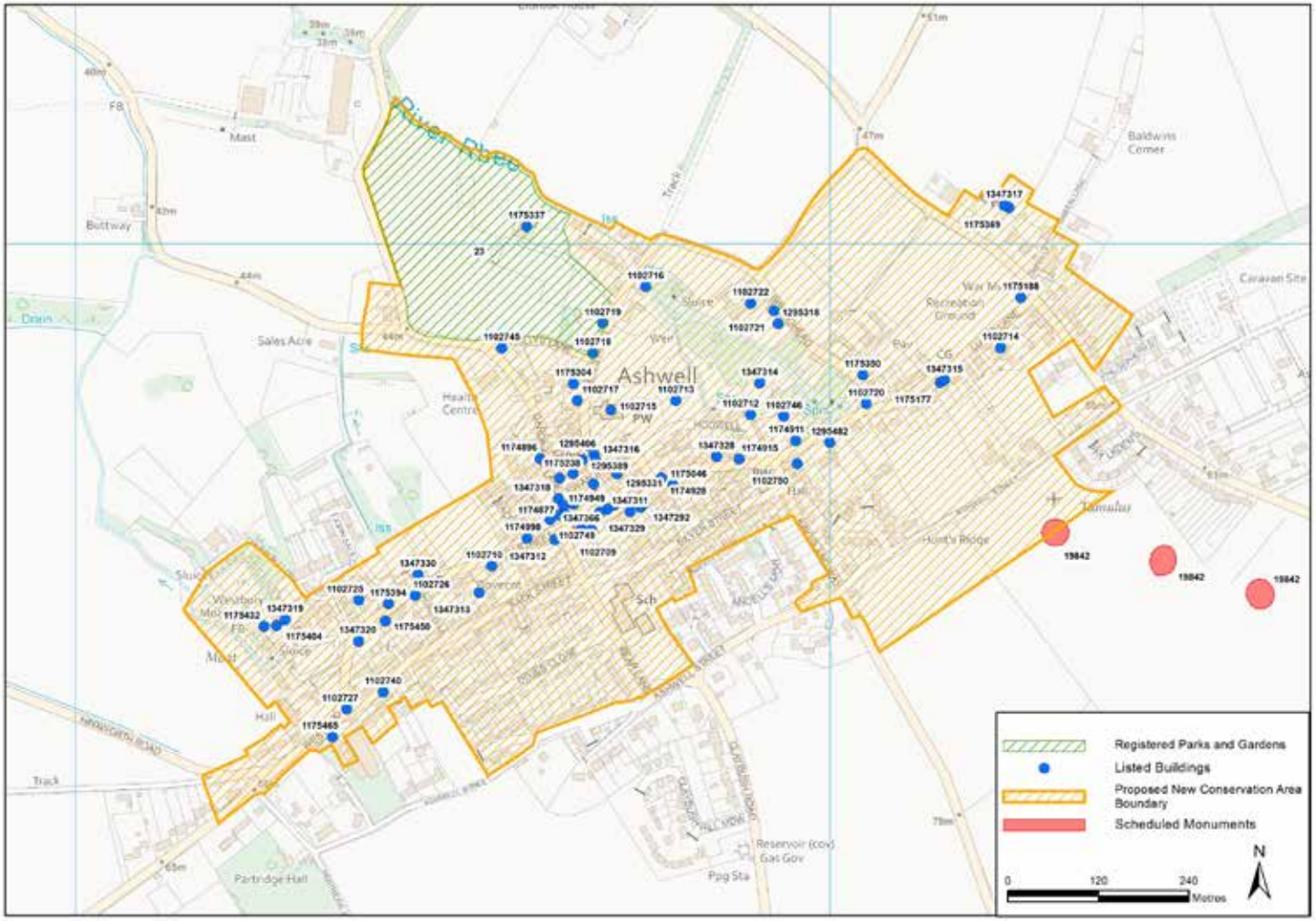

Figure 13: Map of the heritage assets within the proposed boundary for Ashwell Conservation Area

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2.6 Heritage at Risk

Historic England's Heritage at Risk Register identifies those sites that are most at risk of being lost as a result of neglect, decay or inappropriate development. Every year the Heritage at Risk Register is updated and the register provides a picture of the sites most at risk and most in need of safeguarding for the future.

The Grade I listed Church of St Mary is on the Heritage at Risk Register. The condition is described as very bad and the building is considered a priority case. The church is considered to be at immediate risk of further rapid deterioration or loss of fabric and as of 2022, no solution has yet been found.

The primary issue is the dramatic decay to the clunch stone on the tower, and the north aisle roof covering is nearing the end of its life. However, the Parish Council has been working on project development with an Historic England, in order to shape and scope a new National Lottery Heritage Fund bid for financial assistance.

2.7 Archaeological Potential

Based on the evidence provided by the HHER and NHLE, there is potential for archaeological remains within the Conservation Area spanning multiple different periods.

In particular, the area of the village immediately to the east of the springs, most clearly the site at Hunts Close, has produced finds ranging in date from the Prehistoric to Medieval, including some particularly fine examples of metalwork and multiple coins. Such a concentrated collection of finds spanning such a length of time suggests intense and constant use of the area. The presence of a possible Romano-British temple at Hunts Close, with an associated Anglo-Saxon feature cut into it, possibly a ritual shaft, further highlights the importance of the area adjacent to the springs and suggests it's continued use may have a ritualistic connotation.

Certainly, the presence of a Neolithic henge monument, a long barrow and several ring-ditches all surrounding the village suggests Ashwell sits within a significant prehistoric ritual landscape. This ritual landscape continues into the Early Roman period, with the highly important feasting site at Ashwell End dedicated to the goddess Senuna (see Section 2.1), which, may have linguistical links to the tributary arising from the springs at Ashwell (latterly called the River Rhee). Given the evidence presented above, the presence of further prehistoric (and later) ritual sites and/or associated finds within the conservation area, particularly from the area adjacent to the springs, is considered likely.

Ashwell Street, the southern boundary of the conservation area, seems likely to have been a Roman road, and the multiple Roman building remains either excavated or identified by cropmarks in close proximity to the village prove the area was occupied in the Roman period. Accordingly, there is the potential for further Roman activity within the conservation area, particularly to the south of the conservation area along Ashwell Street.

The Domesday book clearly suggests the presence of an Anglo-Saxon settlement at Ashwell. Whether this is located in proximity to the possible ritual hollow/sunken-featured building and finds recovered from Hunts Close, or, as postulated by the HHER, to the north of the village at Ashwell End, is unclear, and could only be proven by further archaeological investigation. Regardless, it certainly seems likely that the location of the Anglo-Saxon precursor to the medieval village is located somewhere within the extent of the conservation area.

Archaeological remains of a medieval date are likely to be widespread in

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the Conservation Area, particularly clustered around the church and the High Street, as attested to by the still standing listed buildings of a late medieval date. It seems likely that some of the surviving post-medieval buildings would have had medieval predecessors, and evidence for these may still exist throughout the historic core of the village. The medieval moated site of Westbury Farm, at the western end of the conservation area, has already had two archaeological investigations carried out within its extents or in close proximity that exposed high-status medieval remains. If any further archaeological investigation was carried out in this area it would have a high probability of encountering similar remains.

Not unexpectedly, post-medieval remains are likely to be the most numerous within the conservation area. These would likely include evidence of domestic and commercial activity and would be focused within the plots on the High Street and Swan Street, likely interspersed and cutting into earlier, medieval, remains of a similar nature. Certain locations in the village, including Whitby Farmstead, the burial ground of the Quaker meeting house and the two breweries, are likely to contain more specific archaeological remains.

In summary, the archaeological potential of the Ashwell conservation area should be considered medium-to-high from the prehistoric period through to the Medieval. The likelihood of further regionally important archaeological remains surviving within the village is substantial, and the archaeological investigations already undertaken within, or near to, the conservation area have uncovered remains and finds that serve to support this supposition.

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3. Assessment of Significance

3.1 Summary

Ashwell Conservation Area is large, covering much of the village and has relatively densely developed areas. The early historic core is centred around the church, while outlying farmsteads from this period also survive. Areas of development and growth from the nineteenth and early twentieth centuries can also be perceived. Overall, the character of the village is a coherent one, but nevertheless it can be divided into a number of key areas that illustrate the historic development of Ashwell. A selection of key views within the Conservation Area have been identified at the end of this section.

3.2 Character Areas

The Conservation Area has been sub-divided into four Character Areas. This division is based on an evaluation of the various attributes, characteristics and phases of development of each area. While in some cases different Character Areas may share attributes, such as a low density of development and open spaces, generally each area possesses a distinctive character. The four Character Areas and their overall character are as follows:

- Character Area One – Ashwell's Historic Core
- Character Area Two – The Northern Rural Periphery And Ashwell Bury Estate
- Character Area Three – Interwar Development
- Character Area Four – Post-War Development

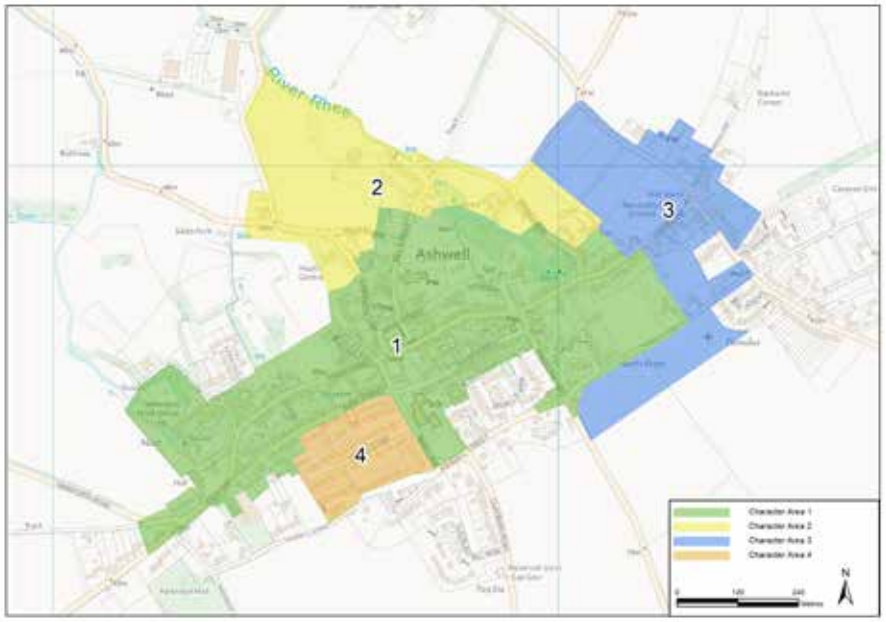

Figure 14: Map of the Character Areas

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The areas have been determined by building typology, historical development, land use and appearance. Many of the defining characteristics of each Character Area are present and repeated in other sections of the Conservation Area, which emphasises the local character and architectural significance of the Conservation Area. The following descriptions are not exhaustive, aiming instead to provide accessible accounts of each Character Area which will allow for an informed understanding of the Conservation Area's special interest and defining features.

Prevailing architectural styles, building materials, spatial planning, landscaping and boundary materials are detailed in the description of each Character Area to highlight the special architectural and historic value of the three zones. Photographs are included to aid the descriptions, providing examples where appropriate to inform the understanding of this document

Each Character Area features designated heritage assets, a full list of the designations within the Conservation Area are included as Appendix 6.3 to this document. Designated buildings or structures which make a notable contribution to each Character Area are described in the following sections, however the omission of any buildings from the description does not mean they make no contribution to the significance of the Conservation Area. An assessment of the significance of each listed building and the contribution it makes to the special interest of the Conservation Area should be made when development or alterations are proposed.

Non-designated buildings or features deemed to reflect and enhance the special interest of the Conservation Area are also identified in the descriptions of each Character Area. These may be suitable for local listing; information regarding the definition of a non-designated heritage asset can be found in section 2.5 of this document. As with the listed structures, not all buildings that contribute to, or reinforce the character of the Conservation Area have been identified within this appraisal of the Conservation Area. Other buildings which feature architectural detailing typical of the Conservation Area, for example, would also be considered to contribute to the significance of the Conservation Area. Future development must be assessed on an individual basis, remaining considerate of Ashwell Conservation Area's special interest, with the aim to enhance or preserve those aspects which contribute to its significance.

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3.3 Character Area 1, Ashwell's Historic Core

Description

Character Area One is the historic core of the village of Ashwell and incorporates the main southwest to northeast thoroughfares of West End and High Street along with part of Lucas Lane. In addition, the lesser southwest-northeast routes of Back Street, Silver Street and the eastern end of Ashwell Street are included. These routes form the long spine of the village, from which the shorter north-south routes radiate or cross. These north south routes include Kingsland Way and Bear Lane on the southern side of the village and Alms Lane, Church Lane, Gardiners Lane, Mill Street and Spring Head to the north. The High Street is the primary thoroughfare through Ashwell and it is where most of the village's shops and public houses are located.

The earliest part of Ashwell is centred around the Church of St Mary, to the north of High Street [Figure 16]. The church dominates the settlement, providing a prominent communal and spiritual way-marker, being visible in multiple views whilst traveling through the village. There is a high density of buildings within this core at the south end of Mill Street, Swan Street and to the High Street. Here the many timber-framed buildings indicate a more urbanised pattern of development. At the western end of High Street, this form changes and there are examples of less densely packed timber-framed farmhouses. These farmstead settlements, such as Dixies Farmhouse , Woodlands, the barn range at Farrows and Westbury Farmhouse were originally, and more or less remain, on the periphery of the village.

To the rear of buildings on the High Street, particularly on its southern side, a more utilitarian character can be found, with courtyard developments and the remnants of farm complexes. Some modern infill development has occurred on the High Street, which is mostly unsympathetic to the character of the area, due to their inappropriate form and materials. At the eastern end of the High Street is the site of

Figure 15: High Street, looking east

Figure 16: The Lychgate, St Mary's Church

Figure 17: Ashwell Springs

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Figure 18: West End, looking east toward High Street

Figure 21: Swan Street

Figure 19: The High Street, looking east, showing 21-15 High Street on the left hand side of the image

Figure 20: Kingsland Way

Ashwell Springs, the source of the River Rhee, one of the tributaries of the Cam [Figure 17]. The wooded site is open to the public and a Site of Special Scientific Interest (SSSI).

Layout and Land Usage

The Character Area is linear in form, focussed on the High Street which runs east-west and parallel streets, Back Street and Silver Street. A small section of West End, at the western end of the village is also included, as are splinter routes which run north-south and adjoin the High Street such as Bear Lane and Gardiner's Lane. Built form is predominantly built along the spine routes of the High Street and Back Street, with minimal infill. Where infill has occurred, this is typically on the site of now demolished farmsteads, creating small cul-de-sacs such as Bacon's Yard.

At its eastern end, the Character Area includes Ashwell Springs, which is framed by the looping form of Mill Street. Here the centre of the village splits away from the High Street, with the parish church of St Mary located north of the High Street, on Swan Street. The land within Character Area One is predominantly developed with commercial and residential buildings. While the High Street is the main commercial centre of Ashwell, it also has residential dwellings from a variety of periods.

Landscaping and Open Spaces

The area has some modest but notable open spaces, including the site of Ashwell Springs and the churchyard of St Mary. Ashwell Springs is largely wooded over its 0.3 hectare extent and has public footpaths. The area around Swan Street and Gardiners Lane has a more open character with a grass verge which hosts the village sign. The slightly more uncluttered character and grid-like pattern of houses on Swan Street and Alms Lane may be a remnant of the presence of an early marketplace [Figure 21].

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Key Buildings

Designated

There are fifty-six listed buildings within the Character Area. The list entry number and listing Grade for each building are included in Appendix 6.3. All listed buildings contribute to the historic interest of the Conservation Area, but those of particular note are described below.

St Mary's Church and Lychgate. Completed in 1381, the church is one of few stone buildings within the Conservation Area, built in clunch and flint rubble with some sections of red brick. The building's tower is particularly large and prominent throughout the village. The lychgate, separately listed, is timber framed.

Bear House, 77 High Street. A former farmhouse, the building is timber framed and features sections of exposed carved framing and a medieval arched doorway on its front elevation.

Woodlands, 110 High Street [Figure 22]. Occupying a prominent position on the High Street, Woodlands is a timber framed building, re-faced in the Georgian period, with large sash windows inserted. Slightly set back from the road, the house has a small front garden and one bay, single storey, front extension on its western end.

Ashwell Museum, Swan Street [Figure 23]. Built as a house, the building features exposed timber framing and front jetty under its gabled roof. A later chimney stack has been added to the rear.

Jessamine House, 15 High Street. Built circa 1700 reusing framing from an earlier house, the building has a chequered red brick front and is two storeys in height with attic accommodation. Five bays wide with a central door, the house is an example of 'polite' architecture from the Georgian period.

57 and 59 High Street [Figure 24]. Built as a Guildhall, the building has exposed timber framing at first floor level. An incredibly long building, it is seven bays wide and has a shop at ground floor level. Three shop, bay windows are present on the ground floor, underneath the building's jetty.

Figure 22: Woodlands, 110 High Street.

Figure 23: Ashwell Museum

Figure 24: 57 and 59 High Street

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Figure 25: Ashwell United Reform Church

Figure 26: Kingsland Terrace

Figure 27: The Zoar Baptist Chapel

Figure 28: 86 and 88 High Street

Rose and Crown Public House and K6 Telephone Kiosk. A late fifteenth/early sixteenth century hall house with jettied cross wings, the pub is timber framed with a roughcast rendered exterior. Grade II* listed, the building's fabric and late medieval character are well preserved despite later eighteenth and nineteenth century alterations. The phone box, located at the front if the pub is Grade II listed, adapted to house a defibrillator.

Non-designated

There are numerous buildings that make a positive contribution to the character of the Historic Core. Some of these are listed buildings but many are not. These undesignated heritage assets may be considered for inclusion within a local list in the future. At present there is no approved local list for Ashwell. Below are descriptions of just some of the notable, unlisted buildings which make a beneficial contribution to Character Area One. This list is not exhaustive and there are many other buildings of merit that it has not been possible to include.

The Ashwell United Reform Church [Figure 25] is on the site of an earlier chapel, which burnt down in the Great Fire of Ashwell of 1850. The building stands on the corner of the High Street and Kingsland Way and is set back front the High Street by a small cemetery and has a brick-built boundary wall, cast iron gate and railings. The trees of the churchyard also make a positive contribution to the Conservation Area's character. The adjacent Church Hall is also nineteenth-century in date and similarly is a building of merit.

Kingsland Terrace [Figure 26]. At the northern end of Kingsland Way there are two rows of terraced cottages, on both west and east sides of the street. They are distinctive and share architectural details, although some modern alterations and additions have been undertaken. Despite this they retain their original character.

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The Zoar Baptist Chapel, Gardiners Lane [Figure 27]. A brick built chapel, with a decorative bargeboard and a porch with an arched doorway. The building dates to 1851 and it is set back from the street by a small cemetery with a boundary wall. The windows have been unsympathetically replaced with uPVC, but the building retains its distinctive character contributes to the Conservation Area.

86 and 88 High Street, Cambridge Villas [Figure 28]. These semi-detached dwellings were built in 1892 and although later, they are similar in style to number 63 High Street. Each had a ground floor bay window and they share a projecting porch, which has original cast iron detailing above its cornice. There are original horned sash windows to the façade and a plaque on the porch proclaims the date and name of the villas.

Number 4, West End [Figure 29]. A nineteenth-century, brick-built house, set behind a small front garden with two bay windows and a fanlight above the front door. The building has its original sash windows.

83 Back Street, Bellbine Cottage [Figure 30]. This is a nineteenth-century rendered cottage with a tiled roof and timber casement windows. There is a single storey extension so the south and an outbuilding to the west, both also rendered and tiled. The cottage predates other nearby dwellings.

Dixies Barns [Figure 31]. Located between Back Street and High Street, this large complex of barns is shown on historic mapping of the late nineteenth-century. The buildings are arranged around a central courtyard and have been reused as commercial premises. The character and layout of the farm buildings has been substantially preserved and the site makes a positive contribution to the area's character

The Adelong, 63 High Street. This two-storey, brick-built house was built in 1881 and has two bay windows in its façade, flanking the front recessed door, within a rounded brick arched opening, with decorative capitals. Above is a plaque with the house name and date. The building has timber sash windows, with horns

Figure 29: 4 West End

Figure 30: 83 Back Street

Figure 31: Dixies Barns

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to the upper sash, which are probably original.

London House, 24 and 25 High Street. Built around 1875 and was constructed in local Arlesey White bricks with a slate roof. It was built as a pair of shops, with residential accommodation above and was once occupied by a grocers and drapers.

55-53 Silver Street, Bank Cottages. Two semi-detached, late nineteenth century dwellings. The brick detailing above doors and windows has been highlighted by red paint, but otherwise the buildings are of exposed yellow brick. The building has single-glazed timber sash windows and the timber front doors are also of some antiquity.

Brick Wall, Corner of Mill Street and Rollys Lane. A white brick boundary wall which contains an inscribed stone that states that the road was widened at that spot in 1837, with ground donated to the parish by the Merchant Taylor Company of London.

Building Materials and Boundary Treatments

Roofs

The predominant roofing material in the High Street is handmade plain clay tiles, with natural slate also being widely used on nineteenth century buildings. Decorative ridge tiles can

Figure 32: Examples of roof types within the Character Area. Top row left: offset chimneys . Second row left: decorative bargeboards. Bottom left: examples of tiled toofs. Top right hand side: example of a thatched cottage. Bottom right hand side: an example of slate.

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Figure 33: Examples of different wall materials within the Character Area. Clockwise from top left: Weatherboarding, Flint and Brick, Timber framing with sections of brick nogging and render infill, Flemish bond brickwork, Rendered and jettied houses, Pargetting, Exposed beams with render, Rat trap grey brick,Exposed timber with nogging

also be found on some nineteenth-century dwellings. Some late-twentieth century buildings have less appropriate, modern manufactured roofing materials. In the backlands to the south of the High Street, weatherboarded buildings are roofed with either slate (for example Dixie's barns) or clay pantiles. There are also examples of thatched roofs in the historic core, notably at numbers 33 Chantry House and 39 West End

Gables facing the street are a recurring feature of the Character Area, while rooflights and dormer windows are not common. Brick chimneys of varying styles are to be found, with some examples having the upper part skewed, diagonal to the chimney stack.

Walls

The village's historic core contains the majority of Ashwell's timber-framed dwellings which date from the fifteenth to eighteenth centuries. There are many fine examples of exposed close studding, has elaborate decorative pargetting, while many other timber-framed houses are plastered and there are some examples of brick nogging infill. Jettied first floors are also common, with the feature being replicated in some later buildings.

An exposed brick finish is also common amongst the historic core's post medieval and modern buildings and walls. Red bricks are widely used,

although Gault bricks and local Arlesey White bricks are also often found, primarily on mid-to-late nineteenth century buildings. These vary in colour from a pale yellow to buff, with occasional pink hues. Flemish bond is widespread and decorative brick detailing is also common. Rat trap bond can also be found, away from the centre in Back Street.

While far less frequent than brick, there are some examples of stone as a building material within the Conservation Area, with flintwork being most prevalent. Stone and flint are used on both buildings and boundary walls, with the Church of St Mary's being the most prominent stone structure in the village. Flint is occasionally used in combination with brickwork on buildings, with brick used as dressings for doors and windows.

Black timber weatherboarding was traditionally used for functional outbuildings, such as agricultural buildings in rural areas. In more urbanised settlements, it was also used on storage and light industrial or manufacturing buildings. Typically, in Ashwell there are weatherboarded buildings in the backlands, behind properties fronting the main streets of the village, while there are also examples on the margin with the countryside. White painted weatherboarding, traditionally used on domestic dwellings, is not prevalent in the village's historic core.

Many of the historic timber framed buildings within the village core are rendered, with some examples of decorative pargetting. Render has also been added to some nineteenth century brick buildings and can also be found on modern dwellings. White is the most common colour but there are also off-whites, yellows, and cream painted renders.

Windows and Doors

Character Area One has numerous buildings with architectural or decorative details, which contribute positively to the area's character. A good quantity of traditional timber sash and mullion windows survive, with many eighteenth and nineteenth century examples. High quality joinery, architraves and historic shop windows are also present, as are leaded lights and historic metal window frames.

There are also examples of surviving medieval windows, with a stone example at Chantry House 33 West End and two timber examples and a timber door with arched door head at Bear House, 77 High Street. Eighteenth and nineteenth-century front doors and doorways front the High Street.

Away from the High Street, in areas of nineteenth-century development, Victorian

Figure 34: Examples of windows and doors in Character Area One

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Figure 35: Grade II listed K6 Telephone Kiosk

Figure 36: Village sign, Carters Pond

period details are naturally more common. Timber bargeboards are also present, with both simple and decorative examples. There are occasional examples of porch canopies, which are of timber and quite ornate.

Boundary Treatments

There are a few examples of cast iron decorative detailing, along with iron railings, which enhance the character of the area.

Brick walls, picket fences and close boarded fences are typical rear boundary treatments. Hedgerow is also a feature, giving the Character Area a green appearance.

Many properties front directly onto the street, meaning they have no front boundary.

Public Realm

The site of Ashwell Springs is the largest undeveloped public space and covers 0.3 hectares. It is a SSSI and consists of a series of freshwater springs, which form a source for the River Cam, with the waters being surrounded by trees and grasses, providing shade. There is access to the High Street and there are public footpaths across the site. The springs are situated at a lower level from the adjacent road, and it is possible to look down onto them from the High Street.

There is a Grade II listed K6 Telephone Kiosk outside The Rose and Crown Public House on the High Street, positioned next to a letter box [Figure 35].

Grass verges around Swan Street and Gardiners Lane, near the village Museum, provide an area of open space and it is here that Ashwell Cottage Garden and the village sign are located [Figure 36]. This area is likely to have once been the site of the medieval marketplace. Not far to the north, the churchyard of St Mary's provides another important public space.

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3.4 Character Area 2, The Rural Edge and Ashwell Bury Estate

Description

The northern edge of the Conservation Area has a far less dense development and includes the open spaces of Ashwell Bury Park and Garden [Figure 38]. This area was, and remains, the northern edge of the village. Buildings here were often traditionally concerned with agricultural production or industry. The River Cam flows through the area, from its source at Ashwell Springs to the south.

The seventeenth century Grade II listed former Mill is located on the River Cam at the Junction of Mill Street and Fordham Close. The area by the river the original site of the Fordham's Brewery (now closed) and despite modern development in Fordham Close, some brewery buildings survive. The area extends to the east to include the agricultural buildings and farmstead of Ringstead Farm. To the west the area extends to Ashwell Grange. There are important views that can be appreciated within this Character Area on, looking into the centre of the village and the Church of St Mary.

Layout and Land Usage

The Character Area includes the northern section of Mill Street, a curving road which frames Ashwell Spring (the southern part of the street is in Character Area One). Away from the village centre, Mill Street becomes more open and less developed as it rises north then turns ninety degrees to the east. Here, Mill Street takes on the appearance of a country lane, with the converted barns of Ringstead Farm, prominent within the street scape, situated within agricultural fields. A small section of Rollys and Gardiners Lanes are also within Character Area Two, leading out from the centre of the village into the countryside to the north.

The Character Area is dominated by the house and estate at Ashwell Bury which are in private ownership. The permeability of the estate's boundary allows views into the estate, where Ashwell Bury House can be appreciated within

Figure 37: Mill Street

Figure 38: Ashwell Bury

Figure 39: Springhead, looking toward Character Area One

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its garden setting. The estate is partially in agricultural use, being used for cattle pasture.

Ashwell Mill, located at the turn in Mill Street, is strategically placed and important part of how the Character Area developed.

Landscaping and Open Spaces

Although not publicly accessible, Ashwell Bury's estate dominates the northern section of the Character Area, marking the village's gradual transition into the surrounding agrarian landscape.

The Character Area has a feeling of openness, due to the loose grain of built form and general lack of development in this section of Ashwell. Landscaping is generally informal, with fields marked by hedgerow and estate fencing.

Key Buildings

Designated

There are eight listed buildings within the Character Area. Character Area Two does not have the same concentration of listed buildings as Character Area One, due to its lower building density and position on the village edge.

Ashwell Bury [Figure 38]. A Grade II listed building within a Grade II registered park and garden, Ashwell Bury is a small country house designed by celebrated architect Sir Edwin Lutyens in 1922-26. Built in brick, it has a classical design, with a central Doric doorcase. Lutyens also designed much of the interior, including two fireplaces.

Ducklake [Figure 41].The Grade II* listed at the north end of Springhead is timber framed with roughcast rendered walls.

The Mill [Figure 42] Grade II listed, the Mill and Mill house have been combined to form a single dwelling. Extended in 1973, the original Mill House is at the southern end of the building.

Chain Cottage. The eighteenth-century, Grade II listed, timber-framed cottage is perhaps one of the earliest buildings in the area and it is

Figure 40: Example of fencing and hedgerow within the Character Area

Figure 41: Ducklake

Figure 42: The Mill

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rendered and whitewashed, with a thatched roof.

Non-designated

This list of buildings below is not exhaustive and there are many other buildings of merit that it has not been possible to include.

Mill Street Stable and Coach House [Figure 44]. Opposite the gates of Ashwell Bury and to the south of the listed Mill on Mill Street is an unlisted, former stables and coach house building. It is built of white bricks in Flemish bond and set back within a yard, behind a white brick wall and has recently been converted to residential use. The building has a cross wing at either end, with timber, vents to the roof and a central cupola. The building may have served Ashwell Bury or the Fordham Brewery.

Number 47 Mill Street [Figure 45]. This late-nineteenth century dwelling is built of white brick, with a tiled roof. The building has its original timber windows have depressed brick arches above.

Former Brewery Building, Fordham Close [Figure 43]. This nineteenth century building has been converted to residential use and is built of white brick in Flemish bond, with a slate roof.

Ashwell Grange [Figure 41]. A large, nineteenth-century dwelling, which can be viewed from West End and the Historic Core of Ashwell (Character Area One). It is built of white brick, a clay tile roof and has original sash windows.

Ringstead House, 18 Springhead. This is a large late-nineteenth century, brick-built house, with decorative lintels and stringcourses, set behind a white brick wall.

Building Materials and Boundary Treatments

Roofs

Slate, pantile, plain tile and thatch can all be found in Character Area Two. The barn buildings on Mill Street have a mixture of pantile roofs and slate roofs, both of which are typical

Figure 44: Mill Street Stables and Coach House

Figure 45: 47 Mill Street

Figure 43: Former Brewery Building, Fordham Close

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for agricultural buildings. Dwellings, particularly those of the late nineteenth century have slate or handmade clay plain tile roofs.

Chimneys are a prominent feature of the Character Area, with many dwellings featuring multiple stacks. Chimney pots have, nevertheless, been lost on many properties.

Walls

Red bricks in Flemish bond are used on the Grade II listed Mill (along with weatherboarding and roughcast render). However, Arlesey White bricks are more common in this area also in Flemish bond, being used on later nineteenth-century dwellings, boundary walls and the surviving brewery building on Fordham Close. Ashwell Bury is also built in white bricks and rendered in white cement.

The barns at Ringstead Farm on Mill Street are also timber framed [Figure 46], with a black weatherboarded cladding, typical of agricultural buildings. The agricultural character of the barns has been retained during conversion to residential use.

Render is a common material, with the twentieth century dwellings on Fordham Close, rendered a mixture of white render and white brick.

Windows and Doors

There are a number of prevailing window types within the Character Area, with casement windows being the most common followed by sash windows. Casement windows are a mixture of metal and timber, with sash windows all timber. Many houses feature casement windows with leaded panes, which, due to their single glazed appearance, give an attractive pattern of light reflection. uPVC windows are not a common feature and, where present, incongruous due to their materiality.

Pentice boards and wooden windowsills are most common, with bell mouth render detail not a common feature. Dormer windows are a feature of older properties which have had attic accommodation added; where present, dormer windows feature gabled roofs.

Doors vary in style, subject to the property on which they are located. Traditionally styled panelled doors, where present are a positive element. Fanlights, side lights or glazed doors are not a common feature and incongruous where present.

Boundary Treatments

Within Character Area Two the use of post and rail fencing, such as that of the boundary of Ashwell Bury Park and Garden helps to

Figure 46: Example of weatherboarding, Ringstead Farm

Figure 47: Boundary wall, Springhead

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enhance the open, rural character. Hedges of native species are also contributors to this character. Elsewhere, white and red brick walls can be found, with Flemish bond predominating. Brick-built walls will often have decorative copings and cap stones on brick gate posts.

Public Realm

Public realm is limited, given the agrarian quality of the Character Area. However, the verdant nature of treelined avenues, verges and hedgerows contribute positively to the character of the area. There are also examples of streetlights which reinforce the historic character of the Conservation Area and, where present, contribute positively to the overall character of the street scene.

Figure 49: Mill Street, looking east

Figure 48: Rolly's Lane looking east

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3.5 Character Area Three, Interwar Development

Description

Character Area Three encompasses a section of early-twentieth century development, which saw development spread east from the village centre in Character Area One. Within Character Area Three there is the large, municipal open space of the Recreation Ground, which has a pavilion and is an important recreational space for residents of Ashwell.

The early-twentieth century civic character of the area is further enhanced by the nearby cemetery on Station Road [Figure 50] and its unlisted chapel. The cemetery contains two Grade II listed tombs, by Sir Edwin Lutyens and is laid out with cruciform footpaths. Lutyens designed the original layout, and his plans are held at Ashwell Museum. The cemetery's first interment was in 1918. The village's War Memorial, also on Station Road, adds to the sense of seclusion and reflection that is felt throughout the Character area, on the fringes of the village [Figure 51]. Within the southern section of the Character Area, a section twentieth century housing reinforces the appearance of this section of the village. A small strip of agricultural field is also included at the very southern section of the Character Area, due to the high value archaeological remains present in this field.

Figure 50: The Cemetery, Station Road

Figure 51: The War Memorial, Station Road

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Layout and Land Usage

Land use in Character Area Three is mixed, split between recreational space, a cemetery and areas of housing. Production at the former industrial buildings of the Maltings ceased in the 1970s and the building has been converted to residential use. The civic nature of the area survives in the form of the recreation ground, the War Memorial and the cemetery.

Landscaping and Open Spaces

Character Area Three has notable public spaces in the form of the Recreation Ground [Figure 52], which contains a children's playground, as well as the Cemetery. The recreation ground is well maintained and overlooked by surrounding dwellings, making it an important part of the village. Although not used for agricultural Ashwell Street to the south of the area (Figure 50) provides an east-west route and links to the surrounding setting of fields, beyond the Conservation Area boundary.

Key Buildings

Designated

For details of all the listed buildings in Character Area Three, see Appendix 6.3.

The oldest building in Character Area Three is the Grade II listed 34 Lucas Lane opposite the Recreation Ground, which is a timber framed and roughcast rendered, seventeenth-century house

Non-designated

The list of buildings below is not exhaustive and there are many other buildings of merit that it has not been possible to include.

Former Maltings, Station Road [Figure 54]. Built in 1902 by Fordham, the industrial building provides evidence for Ashwell's connections to the brewing industry. The building has been converted to residential use, but its distinctive industrial character remains. The building has been converted to residential use.

Figure 52: The Recreation Ground

Figure 53: Ashwell Street. The scheduled monument is in the field to the left

Figure 54: Former Fordham Maltings, Green Lane/Station Road

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To the south on Station Road are a small group of semi-detached dwellings on the western side of the road, which were built shortly before 1914. On the eastern side of Station Road are large, later semi-detached council dwellings [Figure 55]. These were built in the early 1920s under a government initiative to build 'Homes fit for Heroes' after the First World War. New standards were set for building quality and facilities, such as a bath in every house and the buildings were designed to be economical and pleasant to live in. The examples on Station Road have more generous proportions that the earlier dwellings, with long garden plots to the rear and generous front gardens. The inter-war housing continues outside of the Conservation Area boundary, but the best preserved examples, which contribute to the character of the Conservation Area are those running south from the junction of Lucas Lane up to Philosophers Gate.

Station Road is an important route into the village and the buildings and the War Memorial are key gateway buildings into the Conservation Area.

The Cemetery Chapel, Station Road [Figure 56]. The small chapel is built in an Arts and Crafts style, with little ornamentation. It was designed by Sir Albert Richardson in the 1930s, post-dating the establishment of the cemetery. It is built of brick, painted white and has a ceramic tiled roof. The porch is supported by narrow Tuscan columns and the windows have leaded lights.

The Elms, 36 Lucas Lane. A late-nineteenth century dwelling built in red brick in Flemish bond. It retains its original, horned sash windows.

The Cricketers, 32 Lucas Lane. A rendered cottage fronting directly onto Lucas Lane, with a slate roof and timber windows. Its appearance and position suggest it may be of some antiquity and a building in this location is depicted on the late-nineteenth century mapping.

The Recreation Ground Pavilion [Figure 57]. A white timber weatherboarded building with a slate roof. There is a central gable supported by timber columns, flanked by wings on either side.

Figure 55: Station Road, looking north

Figure 56: The Cemetery Chapel

Figure 57: The Recreation Ground's Pavillion

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Building Materials and Boundary Treatments

Roofs

Slate is common throughout the Character Area, although all of the inter-war dwellings have ceramic roof tiles.

Chimneys are an important part of the street scene, punctuating the roofscape and adding visual interest.

There is a mixture of roof types within the Character Area, however the repetition of roof forms on Station Road creates a homogenous appearance to the street scene.

Walls

Render is used on later buildings along Lucas Lane, as is red brick in Flemish bond. The Maltings and the very earliest twentieth-century semi-detached cottages are built in white Arlesey brick, with some examples having been subsequently rendered. The larger inter-war houses are all rendered, generally with a smooth finish, but with some roughcast examples also [Figure 59].

Slate is often used on roofs, although all of the inter-war dwellings have ceramic roof tiles. Boundary treatments include low panel fences, picket fences and hedges. Occasionally brick-built walls to front gardens can be found on Lucas Lane.

Windows and Doors

Casement windows are most common throughout the Character Area. In many cases, buildings have lost their original windows, having been fitted with uPVC double glazed units. Where present, glazing bars are

Figure 58: Example of brickwork used for walls and timber sash windows

Figure 59: Example of 1920s housing 'fit for heroes', Station Road

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Figure 60: The Recreation Ground

typically surface mounted in these units which is atypical compared to elsewhere in the Conservation Area, but does help to preserve some of the character of the buildings' original appearance.

There are a variety of window surrounds, with some houses featuring arched brick lintels and others featuring pentice boards.

Doors are predominantly opaque and panelled, with a few examples of glazed doors scattered throughout the Conservation Area. Porches are not common, nor are canopied entranceways.

Boundary Treatments

Boundary treatments within the Character Area are typical for the Conservation Area. Hedgerow is common, as are sections of low-lying fencing or brick walls. Close boarded fencing is the dominant boundary choice for rear gardens.

Public Realm

The Recreation Ground [Figure 60] and the cemetery are important public areas and in addition, the War Memorial at the junction of Station Road and Lucas Lane is a significant public monument [Figure 51]. There is a lack of street furniture and signage which contributes to the sense of openness. Pavements occasionally give way to grass verges, such as that on the north side of Lucas Lane adjacent to the Recreation Ground and on the north section of Station Road by the Cemetery.

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3.6 Character Area Four, Post-war Development

Description

Character Area Four is a section of post-war housing to the south of Back Street, on Dixies Close and Ashwell Street. The development retains its uniformity and can be perceived as a distinctive, cohesive phase of Ashwell's development.

The buildings and block plan of properties in Character Area Four are typical of the national post-war housebuilding programme, with each house benefitting from generous gardens. The dwellings are generally semi-detached, with some examples of terraces of three dwellings on Ashwell Street and flats on the western end of Dixies Close.

Figure 61: Dixies Close

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Layout and Land Usage

Houses in the Character Area are built south of Back Street, on what was once agricultural land. Bear Lane runs north south and takes its name from Bear House, on the High Street. It forms the eastern edge of the Character Area.

Dixies Close is central to the development, framed by houses on either side. A further row of houses, which back onto the gardens of houses on Dixies Close, front Ashwell Street.

Land use is exclusively residential; the allotment gardens at the western side of Dixies Close are excluded from the Conservation Area. Flat roofed garages infill side gaps between properties, however their low height and roof profile maintains sky gaps between buildings. As the topography rises to the south, the dwellings on the southern side of Dixies Close are in an elevated position [Figure 63].

Landscaping and Open Spaces

At the entrance to Dixies Close, grass verges frame the street, creating a green entrance to the cul-de-sac [Figure 64]. Trees are present on these verges, as well as hedgerow, and create a sense of verdant openness which highlight the homogeneity of the street scene, drawing the eye along Dixies Close. Hedges to front gardens are common and enhance the green character of the area [Figure 62].

The set back of properties behind large front gardens on Dixies Close emphasises this feeling of openness, despite the suburban nature of the street scene.

Planting along Bear Lane is dense, allowing the lane to retain a historic character, emphasised by its narrowness and the lack of pedestrian provision. Trees and hedgerow, along with the steep bank on the western side of the lane, replicated other routes leading out of the Conservation Area in other Character Areas.

Further tree planting and a green at the junction of Ashwell Street and Bear Lane add to the green appearance of the Character Area, lessening the contrast between this section of

Figure 63: Dixies Close, looking south east

Figure 64: The Green at the junction of Dixies Close and Bear Lane

Figure 62: Hedges on Ashwell Street

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the Conservation Area and Character Area One which, without the planting, would seem a particularly stark, incongruous addition.

Key Buildings

There are no listed buildings within the Character Area. Due to the block plan and layout of the Character Area, buildings on corner plots are particularly prominent, especially as there are no terminating buildings located at the western end of either Dixies Close or Ashwell Street.

Building Materials and Boundary Treatments

Roofs

Roofs are exclusively covered in brown plain tiled roofs, adding to the sense of homogeneity and consistency throughout the Character Area.

Chimneys are present on the centre and flank walls of buildings, typically featuring short, squat chimney pots. Where chimney stacks or chimney pots have been removed, this detracts from the visual rhythm of the roofscape.

Walls

The Character Area largely consists of Airey houses, which were built using prefabricated concrete structural elements, clad with shiplap concrete panels. Longevity was not a concern, and they were intended to be a cheap, speedy solution to the shortage of houses in the post war period. The examples in Character Area Four have been successfully reclad in red/brown brick in stretcher bond, which has ensured their survival [Figure 66]. A contrasting band of dark brick above the ground floor lintels and underneath the windows sills break up the appearance of the brick work, which, due to the colour and material nature, would otherwise look monotonous and flat.

Windows and Doors

Windows on all buildings within the Character Area are casement windows with top or side hung opening elements. There is a variety of window sizes, with some homes featuring tripartite windows. All buildings have lost their

Figure 65: Brown plain tiled roofs within the Character Area

Figure 66: Brickwork with a decorative band

Figure 67: Canopies on Dixies Close

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original windows and feature uPVC double glazed replacements, some with trickle vents and/ surface mounted glazing bars.

Doors vary in style, with some featuring large sections of glazing. Like the windows, uPVC or composite doors are dominant. Some houses on Dixies Close feature side lights next to their front door, allowing additional light into hallways. Mono-pitched, lean-to porch canopies are present over the front entrances to some houses but generally porches are not a feature of the Character Area. Flat canopies are present on some houses on Ashwell Street.

Boundary Treatments

There is a sense of space to the development on Dixies Close, with grass verges and open front garden plots. Where front garden boundaries exist, they are low picket fences, brick walls or hedges.

Public Realm

There are small areas within the public realm at the eastern edge of Dixies Close and on Ashwell Street. There is a bench on the green on Ashwell Street, offering an area of respite.

Streetlamps, where present, are green in colour and in a swan-necked heritage style with hanging lantern as per other character areas within Ashwell Conservation Area. Trees and grass verges on the street scene create a sylvan, tranquil appearance to the street scene, whilst the changing land levels add visual variety to the street scene

Figure 68: Vintage street lamp, Dixies Close

Figure 69: Example of hedgerow boundary treatments in the Character Area

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3.7 Views

The views included in this assessment are just a selection of key views and are intended to demonstrate the type of views that can be gained from within the Conservation Area and from outside its boundary. This list is not exhaustive and there will be other views which contribute to how the significance of the Conservation Area is appreciated and understood. Any proposals for development within the Conservation Area, or beyond its boundary within its environs, should thus not only consider the views identified within this document but also any others which may be relevant or highlighted as part of a bespoke assessment of that proposal.

Due to its layout and areas of open space, the Conservation Area has a varying visual permeability. Within the Conservation Area long distance views as well as short views framed by buildings are possible. From outside the Conservation Area looking towards Ashwell, there are important views which allow the historic character of the settlement to be appreciated.

The locations of the numbered views reproduced here are shown on the views map on the following page [Figure 70].

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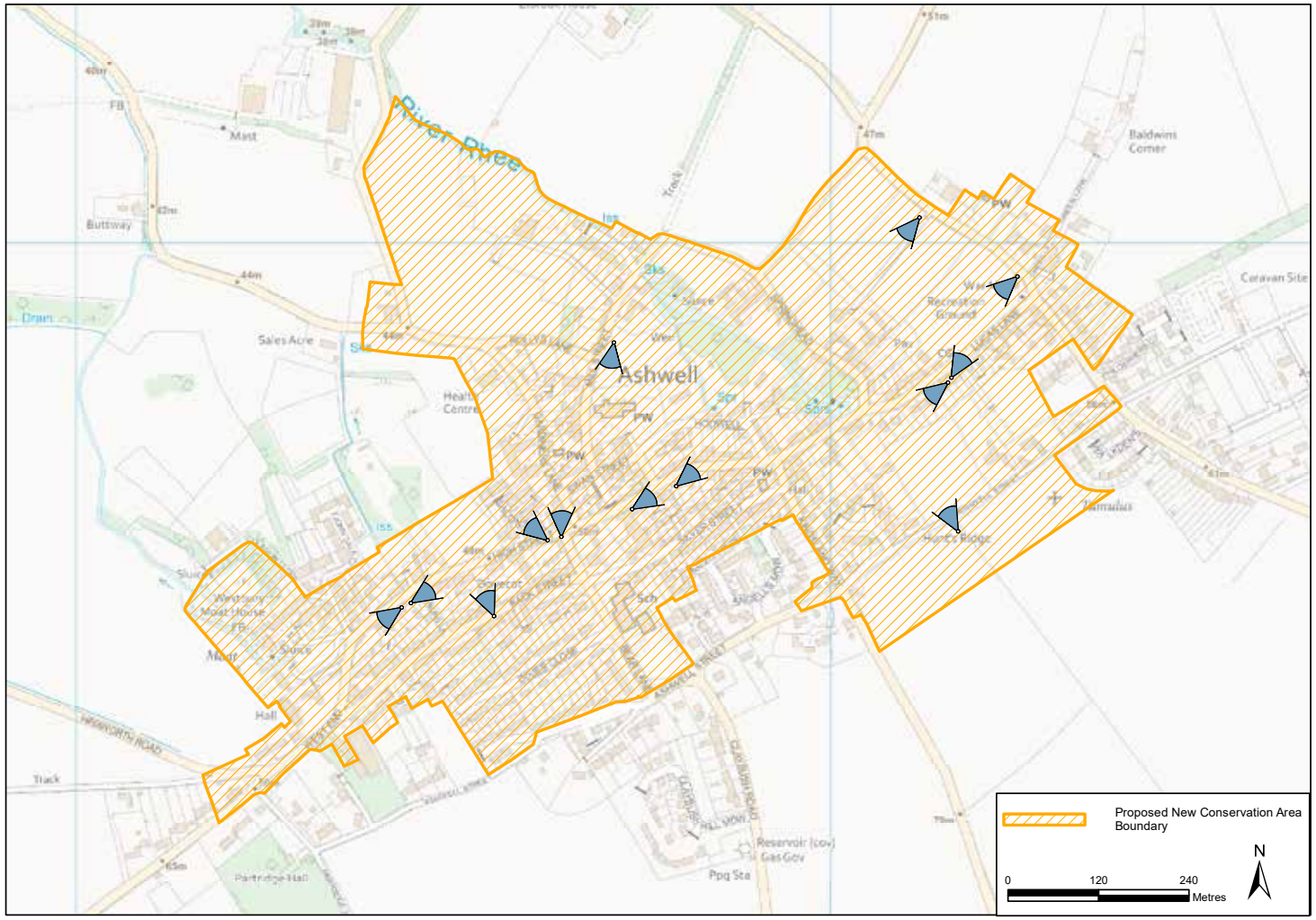

Figure 70: Views map, Proposed 2022 Ashwell Conservation Area

Views Within the Conservation Area

The main thoroughfare of Ashwell is composed of Lucas Lane to the east, which becomes the High Street, eventually becoming West End to the west. The kinetic views that can be experienced when traveling along this route demonstrate to the observer the successive variations in Ashwell's historic character and architecture.

The open nature of the eastern part of the Conservation Area with its Recreation Ground and War Memorial (Character Area Three) allows for long views, where the area's character and special interest can be appreciated [Figure 71].

In views in both directions along Lucas Lane, the gradual increase in density of buildings [Figure 72]. On the High Street, again in both directions the Conservation Area's dense body of historic buildings of varying architectural styles can be easily perceived [Figure 73].

Views in both directions along West End continue to allow the changing built form and character of Ashwell to be easily perceived, with cottages and agricultural buildings sites on the periphery of the village. The dominance of the Church of St Mary can also be appreciated along this route.

Figure 71: View toward the War Memorial, Lucas Lane

Figure 72: Lucas Lane

Figure 73: The High Street

Figure 74: View toward St Mary's, Church Lane

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The north/south routes through the Conservation Area provide views with a distinctive character. Historic buildings are framed by narrow alleys, such as Wilsons Lane, Bear Lane and Church Lane, the latter providing another view of the Grade I listed Church of St Mary. There are open spaces within the Conservation Area boundary of archaeological significance, which enable important views to be appreciated, such as the view north from Ashwell Street which looks down from higher ground to the village and its buildings below.

Views Toward the Conservation Area

The rural setting of the Conservation Area and the views it allows are important, positive elements that allow its historic special interest and character to be appreciated. From outside of the Conservation Area boundary, it is possible to appreciate the historic built form of the Ashwell settlement. Again, the church spire of St Mary's is a prominent feature in the landscape.

The view north from the High Street across Dixies Meadow [Figure 76] also provides important views across the Conservation Area's setting, including views of the Church of St Mary. In views from the northern part of Station Road [Figure 77] and Mill Street, the church spire, which pinpoints the heart of the village, can be appreciated, within the rural countryside.

Figure 75: View north from Ashwell Street

Figure 76: Looking north from the High Street across Dixies Meadow

Figure 77: A view of the church spire, looking west from Station Road

Ashwell Grange is positioned at an entry point to the Conservation Area and there are significant views looking east and south, into Ashwell within its setting from this area.

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3.8 The Setting of the Conservation Area

The setting of the Conservation Area is a contributor to its significance, allowing for the Conservation Area to be understood and appreciated. Setting is defined within the NPPF as:

> *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. (NPPF: Annex 2: Glossary).*

Along with its high-quality buildings of historic and architectural merit, the Ashwell Conservation Area derives significance from its historic settlement pattern. The agrarian landscape that surrounds the settlement of Ashwell has played a vital part in the evolution of this settlement pattern, the village's development and the economy of the community for many centuries. The quality of the surrounding rural landscape therefore makes an important contribution to the historic setting and significance of the Conservation Area.

There are many vantage points within the Conservation Area, where the open pastoral landscape of its setting can be viewed and experienced. The historic and rustic character of this setting is highly tangible and the enhancement it brings to the Conservation Area's significance, along with that of individual listed buildings and non-designated heritage assets is clear. The surrounding open landscape and fields have a direct historical and functional association with Ashwell village and the conservation area and the setting's surviving agrarian character, which is generally empty of modern development, greatly enhances its significance.

Revisions to the boundary of the Conservation Area have been undertaken

Figure 78: Dixies Meadow, north of the High Street, the undeveloped nature of this part of its setting enhances the Conservation Area

Figure 79: The view south from the open area of Elbrook and Cow Lane Meadows to the north of the Conservation area, taken from the public footpath 018.

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as a part of this appraisal, to ensure those areas designated fulfil the necessary criteria for designation (Section 2.3). The boundary revisions were undertaken to reflect the changing methodologies of good practice and provide a clearer strategy which acknowledges Ashwell's unique historic built environment. This review is line with the NPPF guidance on Conservation Areas (Paragraph 191).

Open areas and fields outside the edge of the village remain excluded as they do not have the necessary level of special architectural or historic interest. As part of the setting of the Conservation Area, the open and agrarian character of the surrounding fields and meadows greatly contributes to the understanding and appreciation of the Conservation Area's significance. The contribution made by setting is recognised in national policy and guidance.

For example, paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. In addition, Any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification. (NPPF Paragraph 200).

Within Ashwell's setting are areas that are currently and were historically empty of development. They have had agricultural uses in the past, historically supporting the community of Ashwell (such as Dixies meadow, Elbrook Meadow and Cow Lane Meadow). In general, the village is surrounded by a landscape which has a pronounced agrarian character, which allows an appreciation of the significance of the Conservation Area. The fields and meadows to the north and west of Ashwell Bury, to the north and northeast of Mill Street, Elbrook Meadow and Cow Lane

Figure 81: The view of the Conservation Area's agricultural setting to the east, taken from Ashwell Cemetery

Figure 80: The undeveloped pasture that forms the setting north of Dixies Meadow, looking east near Ashwell Grange and Rolly's Lane

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Meadow and also to Dixies Meadow on the north side of High Street would be particularly sensitive to unsympathetic development. There are public footpaths around Ashwell which allow the Conservation Area to be viewed and appreciated within its setting, such as Footpath 018, which runs northeast from Mill Lane.

Figure 82: The Elbrook Meadow and Cow Lane Meadow area of undeveloped fields which enhance the setting of the Conservation Area, taken looking southeast.

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4. Opportunities for Enhancement

The following key issues have been identified and are summarised below in brief. The list is in no way exhaustive, and neither are the issues identified unique to Ashwell Conservation Area, with many being shared with other conservation areas.

4.1 Access and Integration

Ashwell can be accessed through multiple routes, on foot or by vehicle. In many places entry to the Conservation Area is not discernible and better acknowledgment of the Conservation Area, either through signage, changes in streetscape features or markers would be beneficial. Interpretation boards and the creation of integrated approach, utilising uniform signage and specific lighting and paving throughout the Conservation Area, or Character Areas, would allow for improved public awareness.

4.2 Car Parking

Car parking is currently provided by roadside spaces, such as those on the High Street. Generally, although this is not ideal, this provision is perhaps adequate for the numbers of vehicles. However, the character of the area would benefit from a reduction in the practice of parking to the side of roads, particularly on the High Street.

4.3 Inappropriate Modern Development

There have been inappropriate modern developments within the Conservation Area. Many of these, such as infill developments on the High Street, date to the later twentieth-century and they are notable for their unfitting design, materials and fenestration. There are also more recent developments, which do not enhance the character and special

Figure 83: Townsend Meadow development, built 2019

Figure 84: Meter boxes, Kingsland Terrace

Figure 85: Example of a heritage style lamp post

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interest of the Conservation Area. In particular, the development at Townsend Meadow was within the Conservation Area boundary and is now recommended for exclusion [Figure 81]. While the buildings at Townsend Meadow may be of good quality, their design is fairly repetitive, and the cul-de-sac development plan do not reflect the character of the Conservation Area.

As is stated in the NPPF, local planning authorities should look for opportunities for new development within Conservation Areas, to enhance or better reveal their significance. Proposals that preserve those elements that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (Paragraph 206). Therefore, for the future positive management of the Conservation Area, any new development should ideally enhance or at the very least, preserve the character or special interest of the Conservation Area. This can be achieved through appropriate layout, design, materials, form, size and landscaping. It would be necessary for any application for a new scheme to demonstrate that these aspects have been considered and that the character of the Conservation Area has been referenced in the new scheme.

4.4 Neutral Contributors

A significant proportion of buildings make a neutral contribution to the character and appearance of the conservation area. The dilution of positive buildings amongst those which are neutral leads to an underwhelming and indistinctive overall character.

Windows and doors

The removal of traditional windows and doors has occurred in some instances within the Conservation Area. Most notably, in Character Area Four, where the original windows to the post-War housing, (probably originally of metal) have been entirely replaced with uPVC. However, in general, the High Street and other areas have retained a significant number of their historic timber doors and windows. The continued use of traditional, timber doors and windows and the preservation of those that exist at present, will ensure the character and special architectural interest of Ashwell Conservation Area will be conserved. The replacement of timer windows with inappropriate, modern, mass-produced examples, such as uPVC, will have a detrimental impact on the significance of the Conservation Area.

Meter boxes and other services

Additions to buildings within conservation areas, such as meter boxes, solar panels and car charging points can potentially result in harm to the area's character. For example, meter boxes have been added to the front of dwellings in Kingsland Terrace [Figure 82], which has had a detrimental impact on the character of the terrace, due to their incongruous appearance at odds with the traditional materiality of the terrace. With careful choices in terms of design, size, position, materials and colour, the negative impact resulting from such additions can often be reduced to a negligible level.

The installation of unsympathetic additions to buildings in the Conservation Area, will dilute the historic Character of the area. Additions such as oversized extensions, poor quality materials, unsympathetic doors and windows, rooflights, extraction flues, TV aerials, satellite dishes, uncharacteristic modern porches, close-board or panel fences and inappropriate finishes to drives and paths.

A lack of maintenance of both public and private buildings, can detract from the quality of the Conservation Area. In general, Ashwell is well maintained, yet private dwellings can be susceptible to the risk of decay

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and continued engagement with landowners to sustain and improve the appearance of properties will be beneficial. Regular maintenance, including painting, cleaning and the clearance of vegetation should be promoted as a key component of preserving the quality of the Conservation Area.

4.5 Public Realm

Generally, there is not an over-abundance of road signage in the Conservation Area, which is beneficial. There are instances where road signs have been placed with a lack of sensitivity, such as the road signs outside the Grade II listed thatched cottage at 39 West End, which is at an entry point to the village and Conservation Area.

Street Furniture (Lampposts, benches, signage, bins, bike stands, bollards etc.)

There are some historic and decorative lamp posts which have been well looked after and their continued upkeep would ensure their beneficial contribution remains (Figure 83). Fluted iron bollards can also be found on the High Street. Adjacent to the Rose and Crown on the High Street is a Grade II listed K6 red telephone box and a letter box from the reign of George VI, which enhance the area's character. Bins belonging to the domestic dwellings can be found, but they do not dominate the High Street. In areas away from the Hight Street, particularly in areas of terraces of dwellings where bins could be an issue, they are generally kept away from the main frontages.

Open Spaces

The open and green spaces in the Conservation Area make a positive contribution and are integral to its character in many instances, defining road junctions and passing places. The long-term maintenance needs of these spaces should be considered and, where appropriate, opportunities taken to enhance them and ensure access is maintained through roadside pathways and public rights of way.

Trees and Planting

Appropriate levels of maintenance need to be ensured and, where required, opportunities for enhancement sought to maintain and manage the trees within the Conservation Area. There are opportunities to enhance the verdant appearance of the Conservation Area along periphery roads, reinforcing areas of hedgerow which feature gaps.

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5. Management Proposals

There are a wide range of issues facing the Ashwell Conservation Area, many of which share common themes. This section presents recommend management proposals for consideration, which could address these issues in both the short and long term . The adoption of any recommended measures would be subject to available resources and funding.

The delivery of these management proposals provide the opportunity for partnership working with key organisations, the Parish Council, landowners and the local community and would be subject to available resources and funding arrangements.

5.1 Positive Management: Short term

The first set of proposals relate to positive management and focus on good practice and improved ways of working with the local planning authority. These are generally low cost and can be implemented within a short timeframe, typically within one to three years.

Enforcement

Where the necessary permission has not been sought for alterations, such as advertising signage and building alterations which are not contained within the General Permitted Development Order, the Local Planning Authority's powers of enforcement should be considered. This could assist in reinstating any lost character or architectural features whose loss may have a negative cumulative effect on the Conservation Area, as well as avoiding a precedence being set for similar, uncharacteristic works.

General Maintenance: Public Realm and Highways

The mature trees within the Conservation Area, in places such as the Recreation Ground and Ashwell Springs make a positive contribution to its appearance and character. Although there are no trees on the densely packed High Street, the village has a distinctly green character away from the historic core. The implementation of Tree Preservation Orders will protect important trees, while trees within the Conservation Area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. The Local Authority must be notified before carrying out certain work on such trees unless an exception applies.

Through the agreement of a standard good practice within the Conservation Area between relevant Local Authority teams and other landowners, long term goals can be set to promote good design within the public realm, such as avoiding excessive road markings or signage and agreeing a standard street furniture within Character Areas to ensure consistency over time as elements are introduced or replaced. This will have a long-term positive impact on the Ashwell Conservation Area and ensure the preservation of characteristic features of the area including historic lamp posts, bollards, letter boxes and the listed phone box (now used to house a defibrillator).

Heritage Statements, Heritage Impact Assessments and Archaeological Assessments

In accordance with the NPPF (Para.194), applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

All applications for one or more houses with a floor space of more than 100 square metres, proposed within the Conservation Area require an appropriately detailed Heritage Statement . Heritage statements are

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also required for any application relating to a Listed building. Large scale developments should also be accompanied by a design and access statement.

It is important to consider the importance of the setting of any heritage asset as part of any new proposal. A new development or change within the setting of the Conservation Area or a Listed Building will have the potential to alter the buildings significance or affect the ability to appreciate its significance. Heritage Statements, landscape and visual studies accompanying an application will help in the assessment of any impacts.

The key views analysed within this document are in no way exhaustive. The impact of any addition, alteration or removal of buildings, structures, trees or highways on key views should be considered to aid decision making. This includes development outside the conservation area. Where appropriate, views must be considered within Design and Access or Heritage Statements. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2019).

Local Heritage List

A Local List identifies buildings and structures of local architectural and/or historic interest, and these are considered to be 'non-designated heritage assets' under the provisions of the NPPF. Local Lists can be beneficial in ensuring the upkeep and maintenance of historic buildings that contribute to the character of the settlements.

There is currently no local list for Ashwell. The exercise of creating a Register of Buildings of Local Interest (as per other settlements in the district) would also facilitate a greater understanding of the area and could be utilised as a public engagement strategy to improve awareness and understanding.

Within this document, buildings of merit have been identified as non-designated heritage assets within each Character Area. These identified buildings should form the basis of any local list, although a complete survey of the village, excluding buildings outside the Conservation Area, should be conducted.

Neutral Elements

There are buildings that make a neutral contribution to the character and appearance of the Ashwell Conservation area. These will serve to dilute the contribution of positive buildings over time and can result in an underwhelming and indistinctive overall character. Any new development should not simply aim to have a neutral impact on the area but actively make a positive one. Applications to change the appearance of existing neutral buildings will allow more appropriate materials to be used and therefore, it may be possible to bring some enhancement to the area's character through the planning process.

North Herts Council must not allow for the quality of design to be 'averaged down' by the neutral and negative elements of the built environment. Officers must where possible seek schemes which enhance the built environment and look to conserve and reinstate historic features. It is also considered that poor-quality or unsympathetic schemes should not be allowed, both within the Conservation Area and its setting.

New Development

To be successful, any future development needs to be mindful of the local character of the Conservation Area, while at the same time addressing contemporary issues such as sustainability. Any scheme for new development of any size within Ashwell and its setting, should seek to make a positive contribution to the Conservation Area as a core

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design aim.

Successful new development will:

- Relate to the geography and history of the place and the lie of the land,
- Sit happily in the pattern of existing development and routes through and around it (including public footpaths)
- Respect important views,
- Respect the scale of neighbouring buildings,
- Use materials and building methods which as high in quality of those used in existing buildings, and
- Create new views and juxtapositions which add to the variety and texture of their setting.

North Herts Council should guide development in a positive manner by:

- Engaging with developers at an early stage through the Pre-Application Process to ensure modern development is high quality in design, detail and materials.
- Ensuring medium-large scale development schemes are referred to a CABE Design Review (or similar) to ensure that new buildings, additions and alterations are designed to be in sympathy with the established character of the area. The choice of materials and the detailed design of building features are important in making sure it's appropriate to a conservation area.
- Seeking opportunities for developers to make a positive contribution to the wider historic environment through Section 106 Agreements.

Public resources

The preservation and enhancement of private properties can be improved through the publishing of resources aimed to inform property owners and members of the public. An introductory summary of the Conservation Area Appraisal in the form of a leaflet or factsheet(s) is a simple way to communicate the significance of the area and ensure members of the public are aware of the implications of owning a property within a conservation area. In addition, a maintenance guide would assist property owners in caring for their property in an appropriate manner. A revised Good Practice Design Guide on standard alterations such as signage, shopfronts or advertisements, windows, doors, rainwater goods, boundaries and roof extensions will ensure inappropriate development does not continue to be the accepted norm.

- Provide guidance on appropriate design and materials for windows and doors and encouraging the retention or reinstatement of historic glazing patterns and door designs and the use of appropriate materials.
- Provide guidance on the traditional form of boundary treatments and encourage their reinstatement where they have been removed or compromised.
- Provide guidance on traditional roofing materials and encouraging the reinstatement of good quality slate and the removal of unsympathetic modern materials such as interlocking concrete tiles.
- Provide and update guidance relating to signage. This should address appropriate size and design, the extent and amount and

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associated lighting. All further planning applications and advert consent applications should be required to comply, where possible, with this standard, designed to help to restore the character and appearance of the Conservation Area.

Poor maintenance leads to the deterioration of the fabric of the built environment and results in a loss of architectural details. Improved awareness of simple maintenance and repair would be conducive with the preservation of Ashwell's built heritage. At present there is a range of interpretation (information boards, signage, webpages) within the Conservation Area and relating to the Conservation Area, aimed at improving understanding and awareness. These must continue to be maintained and updated where appropriate to ensure awareness and reinforce the identity of Ashwell as a historic settlement.

Shop Frontages

The main commercial centre of Ashwell is along the High Street, although the number of commercial buildings is outnumbered by residential dwellings, some in converted former shops. In general, where they exist, shopfronts are understated, with traditional shopfront joinery surviving in places. This has significantly helped in the preservation of the Conservation Area's character, particularly that of the High Street. The careful regulation of new shop fronts as part of the planning decision making process would ensure this positive characteristic remains into the future.

There is potential to raise awareness of the importance of historic shopfronts and traditional signage and the contribution they make to the special interest of the Conservation Area through the production of information leaflets or web pages which provide guidance for shop owners on upkeep and maintenance of historic frontages. Article 4 Directions could also be used to prevent loss of historic shop frontages.

Tree Management

In line with the Town and Country Planning Act, all trees in Conservation Areas are afforded the same protection as a Tree Preservation Order. Trees which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, may not be felled or lopped unless six weeks written notice has been given to the Council. Six weeks notice has to be given to the council under S211 of the Act.

It is also considered that any prominent trees, street trees, and trees with amenity value on private land throughout the Conservation Area should be monitored and maintained appropriately. Any tree that makes a positive contribution to the area should be retained, maintained and, if felled (only if dead, dying or dangerous) replaced with an appropriate new tree.

Twentieth Century Buildings

There are some twentieth century buildings which make a neutral or negative impact on the character of the Conservation Area. There is scope to enhance these sites and buildings through a considered design approach which can guide future improvements. Should opportunities for redevelopment arise in the future, high quality design should be pursued and encouraged through design guidance.

5.2 Positive Management: Longer Term

The second set of proposals are also focussed on positive management but either take longer to implement or are better suited to a longer time frame.

Car Parking

This should begin with a car parking survey to establish the need for car

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parking. Once the level of necessary car parking has been established a landscape strategy should be created by North Herts Council in conjunction with local stakeholders.

Additional hard landscaping could have a particularly harmful impact on the character of the Conservation Area, adding an urban quality at odds with Ashwell's overall character. Where areas of private front gardens have been paved over, this is often in a piecemeal approach and inconsistent with neighbouring properties and adjoining paving. Parameters should be set for all such changes in the Conservation Area as part of an up-to-date design guide, reinforced by an agreed assessment of planning applications by the Local Planning Authority. Planning applications for additional hardstanding which removes sections of hedgerow should only be permitted in exceptional circumstances, with great care and consideration given to all new materials such as paving. Consideration of an Article 4 direction which limits permitted development rights in relation to driveways should also be considered if the issue of hardstanding becomes more pressing

Character Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan should be reviewed from time to time to monitor change and inform management proposals.

Conservation Area Boundary

The Conservation Area boundary has been revised within this appraisal in accordance with the NPPF (2021) and Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management (2019). These alterations to the boundary are described in detail in Section 2.3 of this document. The boundary should continue to be assessed as part of future reviews of the Management Plan to ensure it is robust and adequately protects the significance of the area.

Interpretation: Improved Understanding and Awareness

At present there is no interpretation (information boards, signage, interactive QR Codes) within the Conservation Area aimed at improving understanding and awareness of the village's built heritage. This could be an effective way to improve the awareness and re-establish the identity of Ashwell as a historic settlement.

Opportunity Sites

There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. The Ashwell Neighbourhood Development Plan (2020 Policy ASH1) seeks to focus new development within the defined settlement boundary and to apply a more restrictive approach elsewhere in accordance with national and local policies.

Policy ASH2 of the Neighbourhood Development Plan focuses on design and heritage. This states that in order to maintain the character of the Ashwell Conservation Area, a balance should be struck between the scale, bulk, density and height of the built form of new developments with open green spaces and, where relevant, the countryside.

All new development should be designed to a high quality and reinforce and enhance local character, heritage assets and the rural setting of the area. The density of development should create a character that is appropriate to the site's context, including the landscape in which it is set, whilst making best use of the land available. Lower density housing should be located towards the outer edges of the settlement where it abuts open countryside, to maintain views from and into the individual settlements. Development should have regard to both the character of the area in which it is set and to the character of the area overall.

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Public Realm

The first opportunity to enhance the character and appearance of the conservation area is through investment to improve the wider public realm. This can be achieved through continuing to improve and rationalise existing street furniture.

Better maintenance of areas of public space, through weeding, planting, the renewal or introduction of additional benches and the maintenance of existing features through the creation of an integrated management plan, combined with developer, landowners and the local authority would be of benefit.

5.3 Funding Opportunities

There are three main funding opportunities which would assist in the execution of these plans:

National Heritage Lottery Fund

The National Heritage Lottery Fund is the single largest dedicated funder of heritage in the UK and therefore is the most obvious potential source of funding. Funding is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding. Grant opportunities and requirements change overtime, for up-to-date information on NHLF schemes North Herts District Council should consult their appointed Heritage Specialist.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon the Conservation Area. These agreements could be used to fund public realm or site-specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Partnership Schemes in Conservation Areas is a programme run by Historic England to target funding for the preservation and enhancement of conservation areas. As the name suggests, the scheme forms partnerships with local authorities (along with any additional funding partners) to facilitate the regeneration of an area through the conservation of its built heritage. The scheme makes funds available to individuals to enable them to carry out repairs or improvement works to their property to enhance the area. This would be suitable to preserve and enhance the architectural detailing throughout the Conservation Area.

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6. Appendices

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Ashwell Museum. Ashwell Bury: https://www.ashwellmuseum.org.uk/history/place-2/house-histories/ashwell-bury

Ashwell Village. History of the Village https://www.ashwell.gov.uk/ashwell/history/

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Historic England. Heritage at Risk Register: https://historicengland.org.uk/advice/heritage-at-risk/search-register/

Social Housing History *The early history of social housing in Britain.* Post WW1 http://www.socialhousinghistory.uk/wp/homes-fit-for-heroes/

Three Tuns. History https://threetunsashwell.co.uk/history-of-ashwell/

Victoria County History Hertfordshire, Volume 3, London 1912.https://www.british-history.ac.uk/vch/herts/vol3

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6.2 Legislation, Policy and Guidance

LEGISLATION/POLICY/GUIDANCE	DOCUMENT	SECTION/POLICY
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	66: General duty as respects listed buildings in exercise of planning functions. 72: General duty as respects conservation areas in exercise of planning functions.
National Planning Policy	Ministry of Housing, Communities & Local Government. *National Planning Policy Framework.* London: UK Government, 2021.	Section 16; Annex 2
National Guidance	Ministry of Housing, Communities & Local Government. *National Planning Practice Guidance.* London: UK Government,2014.	ID: 18a
National Guidance	Historic England, *Conservation Area Appraisal, Designation and Management Historic England Advice Note 1.* Second Edition. Swindon: Historic England, 2019.	

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National Guidance	Historic England, T*he Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.* Second Edition. Swindon: Historic England, 2017.	
Local Supplementary Planning Document	Ashwell Parish Council	Ashwell Neighbourhood Plan 2021
Local Supplementary Planning Document	Wood Environment and Infrastructure Solutions UK Limited, on behalf of North Hertfordshire District Council.	Ashwell Conservation Area Character Statement, 2019

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6.3 List of All Designated Heritage Assets within the Conservation Area

List Entry Number	Address	Grade
1102707	Guild House	II
1102708	Rose And Crown Public House	II*
1102709	73, High Street	II
1102710	Dixies Farmhouse and Dixies	II
1102711	The Old Cottage	II
1102712	Village Lock-Up in Garden of Number 20	II
1102713	The Rectory	II
1102714	34, Lucas Lane	II
1102715	Church Of St Mary	I
1102716	The Mill	II
1102717	Ashe Cottage	II
1102718	29, 31 And 33, Mill Street	II
1102719	37 And 39 Mill Street	II
1102720	Sring Cottage	II
1102721	Ducklake	II*
1102722	Barn At Ducklake	II
1102723	Pin Cottage and Numbers 12 And 16	II
1102724	Town House (Ashwell Museum)	II*
1102725	Barn Range at Farrow's Farm, 30 Metres West of No 4 (Farmhouse)	II

List Entry Number	Address	Grade
1102726	1 And 5 West End	II
1102727	39, West End	II
1102740	Wayside Cottage	II
1102743	5, Gardiners Lane	II
1102744	2 And 4, Gardiners Lane	II
1102745	Chain Cottage	II
1102746	Barn At Rear of Three Tuns Hotel	II
1102747	56, High Street	II
1102748	Ashwell Stores and Number 72 (Including Attached Rear Barn)	II
1102749	Digswell Manor (Including Outbuildings at Rear)	II
1102750	Jessamine House	II*
1174877	Cheney Cottage	II
1174896	Cob Wall	II
1174911	The Three Tuns Hotel Public House	II
1174915	Forresters Cottage	II*
1174928	Plait Hall	II
1174949	Two Brewers	II
1174973	Christy's Corner	II
1174998	Bacon's House and Number 84 (Including Attached Outbuildings)	II
1175046	Beams	II
1175177	14, Lucas Lane	II

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List Entry Number	Address	Grade
1175188	Ashwell War Memorial	II
1175238	Lychgate and Adjoining Churchyard Wall	II
1175304	Ashwell Further Education Centre	II
1175337	Ashwell Bury	II
1175350	Mulberry Tree Cottage	II
1175369	Tombstone In New Cemetery to Mary Morwenno Bolitho, Wife Of Philip Le Grand Gribble	II
1175394	Barn Adjoining Number 4	II
1175404	Westbury Farmhouse	II
1175432	Outbuilding To Rear Of Westbury Farmhouse	II
1175450	The Cottage	II
1175465	The Orchard	II
1295318	Granary Adjoining South Corner Of Ducklake	II
1295325	Swan House	II
1295331	Tower Cottage (Including Attached Rear Outbuildings)	II
1295389	1 Mill Street	II
1295406	4 And 6, Mill Lane	II
1295482	Spring House	II
1347292	53, High Street	II
1347311	57 And 59, High Street	II*
1347312	Bear House	II*

List Entry Number	Address	Grade
1347313	Dovecote At Dixies Farm	II
1347314	The Green	II
1347315	Alder Cottage	II
1347316	2, Mill Lane	II
1347317	Tombstone In New Cemetery to Wolverlry Attwood Fordham	II
1347318	18-24, Swan Street	II
1347320	Chantry House	II
List Entry Number	Address	Grade
1347319	Granary At Westbury Farm, Immediately East of Farmhouse	II
1347328	Vine Cottage	II
1347329	Smithy Cottage	II
1347330	Woodlands (Including Rear Attached Barns)	II
1347366	K6 Telephone Kiosk Adjoining the Rose and Crown Public House	II
1451703	Crop Marks of Five Ring Ditches West of Station Road, Ashwell	N/A
1000904	Ashwell Bury	II

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6.4 Glossary

Bargeboard - A board fastened to the projecting gables of a roof.

Bay window - Window of one or more storeys projecting from the face of a building.

Capital - The topmost member of a column (or pilaster).

Casement window - Window hung vertically, hinged one side, so that it swings inward or outward.

Coping - The capping or covering of a wall.

Cornice - Upper section of an entablature, a projecting shelf along the top of a wall often supported by brackets or corbels.

Cross-wing - Wing attached to a main or original house block, its axis at right angles to the original block, and often gabled.

Domesday Book – survey conducted in 1086 following the Norman Conquest, detailing towns and parishes within England.

Dormer - A structural element protruding from the plane of a sloping roof surface. Dormers are used to create usable space in the roof by adding headroom and usually also by enabling addition of windows.

Façade - An exterior side of a building, usually the front.

Gable - A triangular portion of an end wall between the edges of a sloping roof.

Henge Monument - A prehistoric circular or oval earthen enclosure, dating from around 3000 BC to 2000 BC.

Hip roof - A type of roof where all sides slope downwards from the ridge to the eaves.

Holloway – lane or road, marked in the ground by raised banks either side

Jettying - A building technique used in medieval timber frame buildings in which an upper floor projects beyond the dimensions of the floor below.

Parapet - A low wall built up above the level of a roof, to hide the roof or to provide protection against falling.

Sash - The horizontal and vertical frame that encloses the glazing of a window. A sash may be fixed or operable and may be of several different types depending on operation.

Sherd – a shard or piece of pottery

Univallate Hillfort - A defended enclosure common in the later Bronze Age and Iron Age of northwest Europe, bounded by a single line of ramparts, often with strengthened defences around the entrance.

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6.5 Links

All hyperlinks included within the text of this document are reproduced in full below.

Historic England's Guidance on conservation area designation:

https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/

Details on Historic England's At Risk register:

https://historicengland.org.uk/advice/heritage-at-risk/search-register/

North Herts Council's Consrvation Areas:

https://www.north-herts.gov.uk/conservation-areas

North Herts Council's Planning Team:

https://www.north-herts.gov.uk/neighbourhood-planning

Historic England's guide to tree preservation orders:

https://historicengland.org.uk/advice/planning/consents/tree

Historic England's guide to Article 4 directions:

https://historicengland.org.uk/advice/hpg/historic-environment/article4directions

Historic England's Guide to conservation areas (webpage):

https://historicengland.org.uk/advice/hpg/has/conservation-areas/

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Essex County Council

Pirton Conservation Area
Character Appraisal and Management Plan

Client:
North Herts Council

Date:
June 2022

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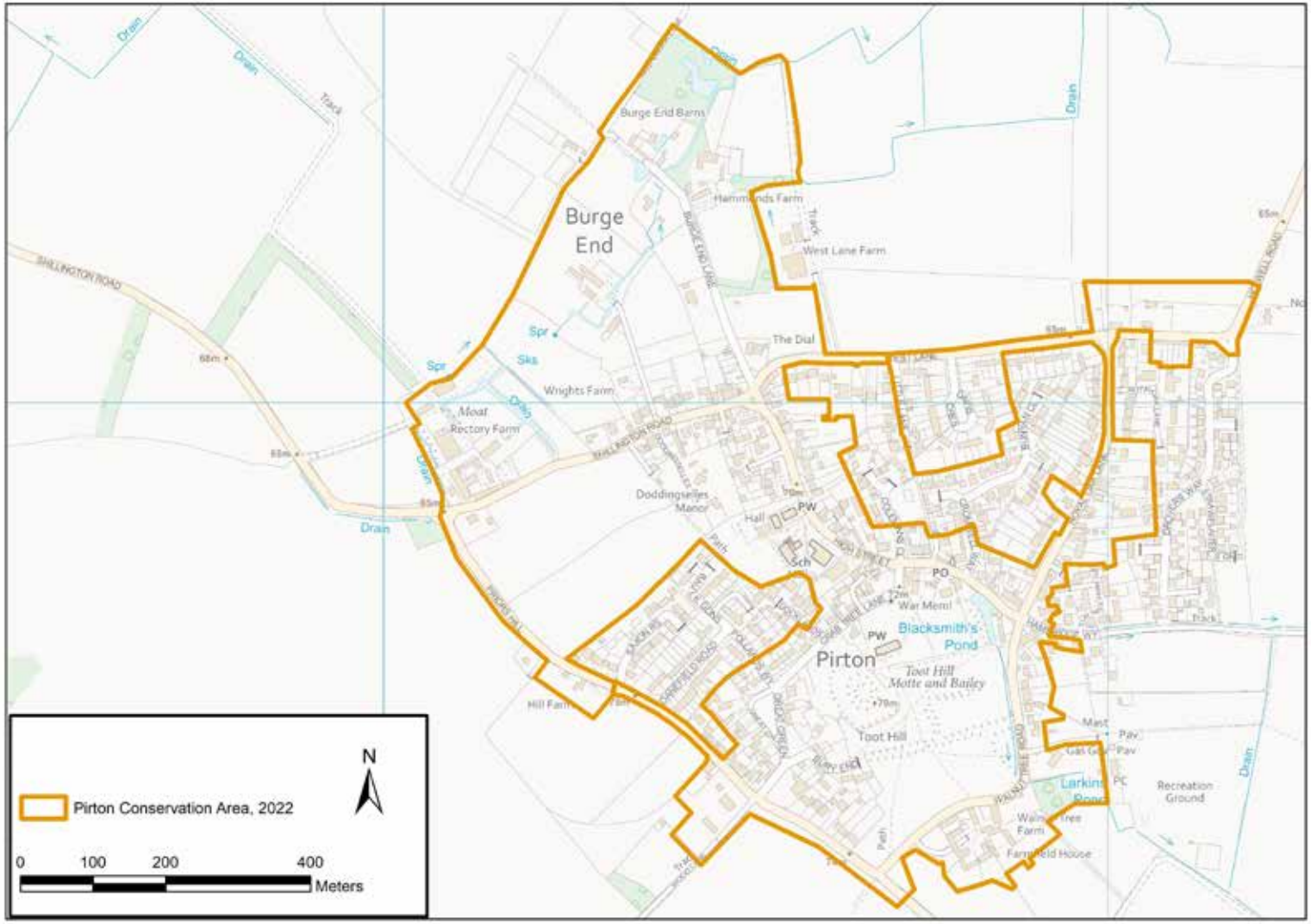

Figure 1: Map of the Pirton Conservation Area, Proposed 2022 Boundary Revision

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1. Introduction

1.1 Summary

Pirton Conservation Area encompasses the core of the Pirton village, a historic rural settlement with an extensive history. Located in North Hertfordshire, three miles northwest of Hitchin, Pirton is on the northern edge of the Chilterns Area of Outstanding Natural Beauty (AONB) and is surrounded by an agricultural landscape. The village has a compact, triangular layout, orientated around St Mary's Parish Church and the remains of Pirton's long demolished motte and bailey castle and original medieval settlement. Although long since lost, the site of the castle and original village remain an important area of green space designated as a scheduled monument at the heart of the Conservation Area.

The village retains many important archaeological, architectural, and historic features which contribute to its character, leading to most of Pirton being included within the Conservation Area boundary. This includes three scheduled monuments, numerous listed buildings and non-designated heritage assets, both built and archaeological. Surviving buildings of merit and archaeological features vary widely in age, yet all contribute positively to the Conservation Area's significance as an area of special interest, providing a link to the history and heritage of Pirton and wider area.

1.2 Purpose of the Appraisal

This document is to be used as a baseline to inform future change, development and design with regard to the sensitivities of the historic environment and its unique character.

The appraisal recognises designated and non-designated heritage assets within the area which contribute to its special interest, along with their setting. It will consider how different Character Areas within Pirton Conservation Area came to be developed, their building styles, forms, materials, scale, density, roads, footpaths, alleys, streetscapes, open spaces, views, landscape, landmarks, and topography. These qualities will be used to assess the key characteristics of each area, highlighting potential impact future developments may have upon the significance of heritage assets and the character of Pirton. This assessment is based on information derived from documentary research and analysis of the individual character areas.

This appraisal will enhance understanding of Pirton Conservation Area and its development, informing future design. Applications that demonstrate an understanding of the character of a Conservation Area are more likely to produce appropriate design and positive outcomes for agents and their clients.

It is expected that applications for planning permission will also consult and follow the best practice guidance outlined in the bibliography.

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1.3 Frequently Asked Questions

A selection of frequently asked questions are outlined below. If you require further advice, please contact North Herts Council's planning department. Hyperlinks to further information are included within the text; a list of all links is included as Appendix 6.5.

What is a conservation area?

Conservation areas are designated by the Local Planning Authority as areas of special architectural and historic interest. There are many different types of conservation area, which vary in size and character, and range from historic town centres to country houses set in historic parks. Conservation area designation introduces additional planning controls and considerations, which exist to protect an area's special character and appearance and the features that make it unique and distinctive. Although designation introduces controls over the way that owners can develop their properties, it is generally considered that these controls are beneficial as they sustain and/or enhance the value of properties within conservation areas.

The National Planning Policy Framework regards conservations areas as 'designated heritage assets'.

The 1990 Planning (Listed Buildings and Conservation Areas) Act specifies the general duty of Local Authorities, in the exercise of planning functions (Section 72). The 1990 Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

How are conservation areas designated and managed?

The designation process includes detailed analysis of the proposed conservation area and adoption by the local planning authority. A review process should be periodically undertaken, and the Conservation Area assessed to safeguard that it retains special architectural or historic interest. Threats can be identified, and the boundary reviewed, to ensure it is still relevant and appropriate.

This Conservation Area is supported by an appraisal and management plan. The appraisal describes the importance of an area in terms of its character, architecture, history, development form and landscaping. The management plan, included within the appraisal, sets out various positive proposals to improve, enhance and protect the character and appearance of the Conservation Area.

How can I find out if I live in a conservation area?

Boundary maps of all conservation areas in the district can be found on North Herts Council's website. The council also has an online interactive map search function, which allows you to search for a specific property. Full details, including contact details for the local authority, can be accessed via this link.

What are the Council's duties regarding development in conservation areas?

The Local Authority must follow the guidance in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). These set out in clear terms how development proposals within Conservation Areas should be considered on the basis of whether they preserve and enhance the character and appearance of the area. Applications which fail to preserve or enhance the character of the

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Conservation Area are likely to be refused as a result. An authorities Local Plan also typically includes a specific policy on Conservation Areas.

Do I need permission to change a property in a conservation area?

Permitted development rights are not the same within a conservation area as they are elsewhere. This means things that normally would not require planning permission will require consent within a conservation area's boundary. For example, side extensions, two storey rear extensions, roof extensions and the cladding of buildings, which normally would class as permitted development, require planning permission if the building affected is in a conservation area.

North Herts Council's planning team can provide further information on whether alterations require planning permission. Full details of permitted development rights are set out in The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

Further consideration may also need to be given to the setting of listed buildings, which many conservation areas are likely to contain.

Do I need to make an application for routine maintenance work?

If routine maintenance works are to be carried out using authentic materials and traditional craft techniques, on a like-for-like basis, it is unlikely that you will need to apply for permission from the local authority. However, it is strongly recommended that you contact the local planning authority for clarification before commencing any works. The use of a contractor with the necessary skills and experience of working on historic buildings is essential. Inappropriate maintenance works and the use of the wrong materials will cause damage to the fabric of a historic building.

What is an Article 4 Direction?

Some conservation areas are covered by an Article 4 Direction, which brings certain types of development back under the control of a local planning authority. This is in addition to the exemptions outlined in the Permitted Development Order Act and, where in place, an Article 4 direction allows potentially harmful proposals to be considered on a case by case basis through planning applications. Article 4 Directions are used to control works that could threaten the character of an area and a planning application may be required for development that would otherwise have been permitted development. Historic England provides information on Article 4 Directions on their website.

Can I demolish a building in a conservation area?

Demolition, or substantial removal of part of a building within a conservation area, will usually require permission from the local planning authority. It is important to speak to them before beginning any demolition works, to clarify if permission is required. This includes the demolition of boundary walls.

Will I need to apply for permission for a new or replacement garage, fence, boundary wall or garden structure?

Any demolition, development or construction in conservation areas will generally need planning permission. A replacement boundary, garage, cartlodge or greenhouse will need to be designed with the special historic and architectural interest of the Conservation Area in mind. North Herts Council will provide advice as to how to proceed with an application.

Can I remove a tree within a conservation area?

If you are thinking of cutting down a tree or doing any pruning work,

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the local planning authority must be notified 6 weeks before any work begins. This enables the authority to assess the contribution the tree makes to the character of the conservation area and, if necessary, create a Tree Preservation Order (TPO) to protect it. Consent will be required for any works to trees that are protected. Further information on TPOs can be found on Historic England's website.

How can I find out more?

Historic England's website has information on conservation areas and their designation. Further information on the importance of conservation areas, and what it means to live in one, can also be accessed via their website.

Historic England has also published an advice note called Conservation Area Designation, Appraisal and Management which sets out advice on the appraisal of conservation areas and managing change in conservation areas. It is available to download here.

In addition, local planning authorities have information on the conservation areas within their boundaries available on their websites. They will have information pertaining to when the conservation area was designated, how far it extends and the reason for its designation.

Figure 2: Cover Page, *Conservaton Area Appraisal, Designation and Management*, Historic England

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1.4 Planning Policy Context

National Planning Policies

The national legislative framework for the creation, conservation and enhancement of conservation areas and listed buildings is set out Part II of the Planning (Listed Buildings and Conservation Areas) Act 1990 (HMSO 1990).

Section 69 of this act requires Local Planning Authorities to designate areas which they consider possess architectural or historic interest worthy of preservation or enhancement as Conservation Areas. As part of this, section 71 of the Act requires the Local Planning Authority to formulate and publish proposals for the preservation and enhancement of these areas, such as in the form of an appraisal document. It is also the Local Authority's duty to ensure that special attention is paid to the desirability of preserving or enhancing the conservation when making planning decisions, as per section 72 of the Act.

National planning policy in relation to the conservation and enhancement of heritage assets is outlined in the Government's National Planning Policy Framework, or NPPF (DCLG 2021). Chapter 16 of the NPPF relates specifically to the historic environment, with Annex 2: Glossary providing a definition of heritage terms, some of which are reproduced in Appendix 6.4 of this document.

Within the NPPF, the importance of heritage assets is outlined, with emphasis placed upon the contribution they make to the quality of life of existing and future generations. Local Planning Authorities should seek to preserve or enhance the historic environment, developing strategies which consider the wider benefits that the conservation of heritage assets can bring, and draw upon the contribution made by the historic environment to local character and distinctiveness.

A further national planning policy which applies is The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

Careful consideration must be given to the Permitted Development Order by the Local Planning Authority, Residents and other Interested Parties, as many permitted development rights are removed in Conservation Areas.

Local planning polices

The emerging Local Plan is still under examination (June 2022) but there are a number of policies which set out the Council's approach to the historic environment. These are:

SP13: Historic Environment

Policy HE1: Designated heritage assets

Policy HE2: Heritage at risk

Policy HE3: Non-designated heritage assets

Policy HE4: Archaeology

Policy NE3: The Chilterns Area of Outstanding Natural Beauty (AONB)

Pirton Neighbourhood Development Plan 2011-2031

Further information on neighbourhood planning policies and guidance can be accessed via this link.

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Relevant policies within the Pirton Neighbourhood Plan are:

PNP 8: Heritage Assets and Archaeological Heritage

Supplementary Planning Guidance

Chilterns Buildings Design Guide, February 2000

Pirton Neighbourhood Development Plan 2011-2031. Including:

- Pirton Village Character Assessment
- Basic Conditions Statement, October 2016

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2. Context and Character

Pirton village is in North Hertfordshire, within its own Parish Boundary. The village has developed in a triangular formation, southeast of the junction between two routes, Shillington Road/West Lane which runs east/west and Priors Hill/Hitchin Road which runs north/south. Walnut Tree Road/Royal Oak Lane completes the triangle, framing the village core. The Conservation Area includes a large percentage of the village boundary, excluding select areas of modern housing on the outer edges of the settlement.

Located close to Hertfordshire's northern border with Bedfordshire, Pirton is well connected to surrounding towns and villages and has been throughout its history. The Icknield Way, an ancient route across East Anglia, forms part of Walnut Tree Lane, at the southern edge of the Conservation Area. The path remains and is well signposted. Other footpaths and bridleways throughout the village allow quick and easy pedestrian access throughout the village and connect Pirton to Shillington in the north west and Oughton Head, on the edge of Hitchin, to the south east. Nestled in a small dip, the route into Pirton from surrounding settlements is heavily wooded. Tree cover around the village's edges and the low height of buildings largely conceal built form within Pirton in long views looking toward the village from the surrounding countryside.

At the Conservation Area's western edge is the Chilterns AONB, the rolling hills of which form an important part of Pirton's wider landscape. From the western side of the Conservation Area in particular, expansive fields allow for wide views from within the Conservation Area across the landscape punctuated by the hill scape to the west. Long views into an agricultural landscape can also be gained when looking out of the conservation area toward Holwell in the northeast.

Oughton Head Common Nature Reserve, Pegsdon Hills and Hoo Bit Nature Reserve, and Knocking Hoe National Nature Reserve, are located just outside Pirton Parish's boundary. As areas of ecological value, they contribute positively to Pirton's wider setting, emphasising the value of the village's surrounding landscape.

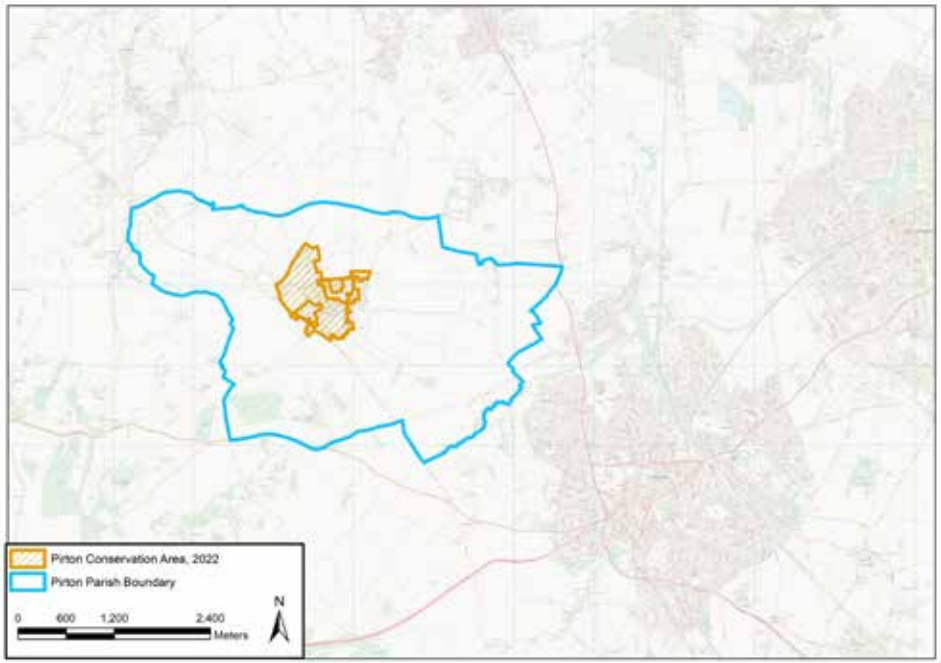

Figure 3: Map showing Pirton Conservation Area in relation to neighbouring towns and the Bedfordshire and Hertfordshire border

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2.1 Origin and Evolution

The following section provides an overview of the history of Pirton Conservation Area and the surrounding settlement.

Modern-day Pirton has its roots in the Saxon period, although archaeological evidence has been found which indicates occupation of the area has occurred since prehistory. It is a village with an interesting and extensive history that has been well researched and documented, with the village featuring as one of the settlements studied as part of the ongoing Currently Occupied Rural Settlement (CORS) research project.

For further information and an extensive history of the village, please refer to the texts listed in Appendix 6.1: Bibliography.

Prehistory: Palaeolithic to Iron Age (-10,000 BCE – 43 AD)

Archaeological evidence indicates that there has been human activity in and around Pirton since at least the Neolithic period, the final period of the Stone Age, roughly 10,000–4,500BCE. Ring ditches from this Neolithic period have been excavated within the Conservation Area, with these finds designated as part of the Land to the east of Priors Hill and north of Danefield Road scheduled monument. These ditches are thought to be either the surviving remains of an early type of building, such as a roundhouse, or a barrow, a burial site marked by mounded earth. No human remains were discovered, but at present the scheduled monument remains largely unexcavated and it is suspected that there is high potential for other archaeological material to survive.

Figure 4: A Bronze Age flint arrowhead, found in Pirton and now in the collection of Letchworth Museum © North Hertfordshire Museum 2022

Outside the Pirton Conservation Area, further evidence has been found which indicates human activity in the local area in the Stone Age. These include a scatter of Neolithic flints discovered in the mid-1990s, including flint blades, flakes, cores and a scraper. Further finds in Lower Stondon, north east of Pirton village, as well as the barrows at Tingley Wood and Knocking Knoll, south west of Pirton, highlight the area was known, if not necessarily extensively populated, by prehistoric humans.

Roman (43 – 410 AD)

There was a strong Roman presence across East Anglia and in Hertfordshire, with many areas of the county featuring Roman remains. Verulamium, modern day St Albans, was an important centre and one of the largest Roman cities, is located approximately twenty miles south west of Pirton.

Archaeological remains indicate a small settlement was present in Pirton during the Roman period, featuring buildings and industrial areas alongside a Roman road. In terms of the Conservation Area, Roman activity is thought to have been concentrated to the centre and south of the current day settlement; although evidence of further Roman activity has been found outside the Conservation Area in an area of agricultural fields west of the modern village

named Dane Field. It is thought this field was occupied from the first century onwards and it was here that the settlement gradually grew, continuing into the fifth century. Evidence has been found which indicates industrial activity including iron working and kilns within Pirton, along with high quality imported pottery and coins.

Excavations in 1955 revealed the floor of a Roman building within the vicinity of Toot Hill, in the centre of the village, with further excavations at Pollards Way and Pirton Primary School also finding Roman artefacts. Between 2007 and 2011, as part of the CORS project, an extensive test pit survey across the Pirton recovered pieces of pottery which indicate almost continuous occupation of Pirton from the Roman period to the present.

Anglo Saxon and Early Medieval (410 – 1066 AD)

The history of Pirton in the Saxon and Medieval Period is complex, with the location of the village centre changing throughout this time. In 2015, substantial evidence was found to suggest that, as well as the presence of Neolithic remains, the Land to the east of Priors Hill and north of Danefield Road scheduled monument contains Anglo-Saxon archaeological remains.

During a geophysical survey and trial trenching of this field, evidence was found which indicates that Anglo-Saxons lived in Pirton in an enclosed settlement, part of a planned urban layout northwest of the village's present-day centre. Survival of such remains is rare and led to the field's designation as a scheduled monument. In particular, the geophysical survey identified linear features which are thought to represent early medieval furrows, long narrow trenches formed by ploughing.

Figure 5: Roman Statuette of Mercury in the collection of North Hertfordshire Museum, believed to be found in Pirton in the 1950s © North Hertfordshire Museum 2022

Physical archaeological investigation of the field has been limited to only set trenches to date, rather than the whole field, meaning no discernible patterns have been found, however a concentration of post holes in the eastern section of the monument are thought to represent the remains of early houses or other built structures. The grave of an older male was discovered in the north-eastern section of the field; radio carbon dating of this man's bone indicate he was alive between 775 and 970AD.

No evidence was found within the monument from the later Saxon or Saxo-Norman period, suggesting this is when the village centre shifted south, to its present-day location surrounding the parish church. This is supported by evidence which has found pieces of pottery and other remains dating from the ninth century onwards along the High Street, Walnut Tree Road, Little Lane, Elm Tree Close and Shillington Road.

In the late eighteenth and nineteenth century, numerous archaeological investigations were undertaken in Pirton and the wider area. Led by William Ransom, local businessman, these excavations took place at Knocking Knoll, revealed to be a Saxon tumulus south west of the Conservation Area.

Archaeological investigations in the late 1900s identified a Saxon cemetery at Dane Field, a large agricultural field west of the present-day village. Cremations in urns, pots, pins, and graves were discovered and tentatively dated to the sixth or seventh century BCE. In the 1990s, further investigation into the archaeological value of Dane Field took place as part of a wider scheme for the installation of an oil pipeline across Dane Field. The early stages of the 1990 investigation did not uncover evidence of Saxon occupation in the northern section of the field, but it did reveal Anglo Saxon pot sherds in the southern section of the site.

Figure 6: Watercolour of William Ransom excavating Knocking Knoll Tumulus by Samuel Lucas, snr, 1856. ©North Hertfordshire Museum

Remains of a Saxon cemetery, suspected remains of an early church and further indications of a planned settlement were found as part of excavations which took place close to The Fox Public House in 1995 on the village's High Street. An enclosure ditch surrounded the Anglo-Saxon cemetery, which was found to contain the burials of forty individuals. This further suggests that the early medieval village was located in the eastern side of the Conservation Area, north of St Mary's Church.

Medieval (1066 – 1540 AD)

Pirton appears in the Domesday Book of 1086 as Peritone and is recorded as home to 54 villagers, a priest, a knight, a freeman and 12 cottars. This description suggests the total population of the village would have been around 425 people, tiny by modern standards but large for the period. Hitchin, the nearest town and one of the largest in Hertfordshire at the time, had approximately 600 occupants.

Before the Norman Conquest of 1066, Pirton was a thriving manorial estate held by the Archbishop of Canterbury. This appears to have continued following the conquest, evidenced by the surviving remains of a twelfth century motte and bailey castle at the heart of the village. Toot Hill, as the castle motte is known, is a scheduled monument and consists of surviving castle earthworks, surviving earthworks of two baileys and remains of a shrunken medieval village, known as The Bury (see Appendix 6.4 for definitions). The location of the village was carefully planned in relation to the castle, located just south of the castle bailey. Surviving earthworks mark out the position of holloways, tracks and building platforms.

The presence of two castle baileys is unusual, with the larger outer ring also including the parish church. Beyond the baileys to the west is Great Green which survives today. Once known as Chipping Green, this was likely the location of a market; the word chipping derives from cēping, an Old English word meaning market place.

St Mary's Church also dates from the twelfth century, perhaps built to replace an earlier church. Originally a cruciform church with crossing tower, sections of the building have been extensively remodelled and restored, however there are surviving twelfth century arches within the building.

Evidence has been found in the form of pottery and other features which suggest Toot Hill and The Bury were densely populated until the fourteenth century, at which point the village fell into a period of decline. This is typical of mediaeval settlements across the country, the populations of which were hit by famine and the Black Death in the late fourteenth and fifteenth centuries.

Post-Medieval (1540 – 1901 AD)

Following the substantial reduction in the size of Pirton in the fifteenth century, in the early medieval period the village was reduced to

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three centres, located away from Toot Hill and The Bury, with sporadic buildings retained within the castle's grounds. These three centres were at Rectory Farm on Shillington Road, around Great Green and at Burge End. The spine roads of Shillington Road and Priors Hill/ Hitchin Road remained prominent, highlighting the village's pre-existing function as a transitory place, connecting larger settlements. This period of decline also helped to define Pirton's surviving character, with the arrangement of roads and open spaces giving the village and Conservation Area an interconnected and sporadic pattern of development.

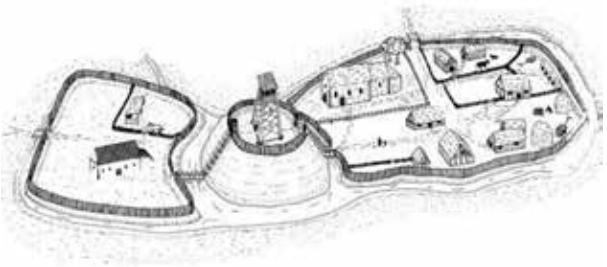

Figure 7: Illustration demonstrating what Pirton's two baileys may have looked like ©North Hertfordshire Museum

Surviving buildings within these three post-medieval areas date from the sixteenth and seventeenth centuries, including a cluster of listed buildings on Great Green and a number of listed structures and scheduled monument at Rectory Farm. Within the post-medieval period, agriculture remained integral to the local economy and a source of wealth for Pirton's inhabitants. The tithe barn and moat at Rectory Farm both predate the seventeenth century farmhouse, with the moat used as a defensive system to protect the farmstead.

Hammonds Farm, at Burge End, is a sixteenth-century former hall house, featuring panelling removed from Rectory Farmhouse in the 1930s. Externally and internally, there are areas of exposed timber framing, infilled with brick nogging in places externally. The building is Grade II* listed due to age and construction method.

Three Gables, believed to be Pirton's oldest house, is thought to have been constructed in the late fifteenth century. Located on Great Green, the house has been subject to many alterations in subsequent centuries, meaning its street frontage deceptively hides the building's medieval core.

Development of the village was slow between the seventeenth and nineteenth centuries, with little change occurring until the industrial age. The construction of the school at Great Green and two Methodist chapels on the High

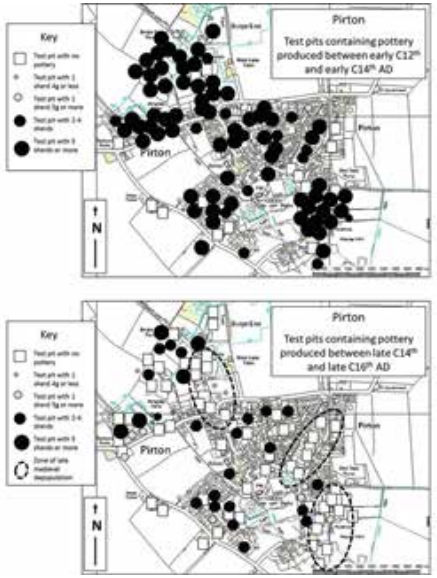

Figure 8: Diagram showing the distribution of pottery pieces found in Pirton, from 'Disaster recovery: New archaeological evidence for the long-term impact of the 'calamitous' fourteenth century' © Carenza Lewis, 2016

Street were important phases of Pirton's development and expansion in the nineteenth century, built in response to increased social welfare and the rise of non-Conformist worship within the Victorian Period. The National School, built in 1841, was demolished in 1969, replaced by the house 'Rafters'. The first chapel, built next to the Hammond's Almshouses on the High Street, was demolished in 1960, replaced

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by a bungalow named Wesley.

Agriculture remained the main source of income for Pirton's inhabitants until the twentieth century. The seasonality of the work, as well as high rates of tax, gave rise to periods of food and monetary shortages for families in the village. Many women found a source of income plaiting straw for nearby Luton's millinery industry, supplementing their family's income. Boys in the village could expect to start work from the age of ten, working full time hours as per the men of the village, until the law changed in 1880, requiring all children to stay in school until the age of thirteen.

The 1818 Enclosure Award had a notable impact upon the surrounding landscape of the village, removing sections of common land and altering how villagers supported themselves. To compensate for this loss of land, sections of the village were allocated as allotments, as shown on the Ordnance Survey map from 1902 (Figure 12). The enclosing of fields, largely by hedging, changed the village landscape from its medieval appearance to a fractured landscape in the nineteenth century. This change did not, however, last. Modern farming practices, including the use of large items of machinery, has resulted in fields opening up again, and the removal of nineteenth century hedgerows. Fields were , nonetheless, no longer farmed in individual strips or lots, as per the medieval period, with industrial farming methods meaning the land was increasingly farmed by only a handful of farmers who controlled much larger swathes of land compared to their medieval counterparts.

Modern (1901 – present)

In the twentieth century, areas of green open space within the village began to be infilled. The most perceptible expansion occurred in 1920, when Davis Crescent was constructed. Built as council houses post World War One, the block plan and appearance of the dwellings are built in reference to Garden City ideals, reflective of development occurring across Hertfordshire, notably in Letchworth Garden City and Welwyn. Set around a communal green, with large front and back gardens, the

Figure 9: Pirton, extract taken from Bryant's Map of Hartfordshire, 1820

Figure 10: Pirton, extract from the 1902 Ordnance Survey Map

Figure 11: Pirton Village Hall

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houses have a homogenous, uniform appearance with an urban layout that is well considered in relation to the rest of the village. Danefield Road and Pollards Way, built in the 1930s, followed Davis Crescent. Primarily bungalows, buildings in this development are not as architecturally distinct or considered as those on Davis Crescent and are not included within the Conservation Area.

Opened in 1930, the Village Hall was largely funded by charity events held in the village. Despite the spurt of building that occurred in Pirton during the interwar period, development across the village continued slowly. Some historic buildings were demolished and replaced in the later twentieth century, yet most development has occurred on areas of pasture and orchard space, such as on Cromwell Way and Bunyan Close, both excluded from the Conservation Area.

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2.2 Designation of the Conservation Area

Pirton Conservation Area was designated in 1969 and amended in 1979. A Character Statement for the Pirton Conservation Area was created in 2020, which outlines the significance of the heritage asset. This document provides further analysis of the Conservation Area and is the first document to provide an appraisal and management plan for the Conservation Area.

2.3 Revisions to the Boundary

As part of this review, revisions to the Conservation Area boundary are proposed, to reflect changing methodologies of good practice and provide a clearer strategy which acknowledges the practicalities of Pirton's unique built environment. This review is line with the NPPF guidance on Conservation Areas (paragraph 191).

A map which marks the existing and proposed boundary is included on page 14, written descriptions and accompanying photographs are including in the following two sections.

Necessary Reductions

Small sections of modern housing have been removed from the Conservation aArea on Hitchin Road, Hambridge Way and Walnut Tree Road. This is because the properties in these areas lack historic or architectural interest to justify their inclusion within the boundary.

Additions

Following the designation of the Conservation Area, two further assets within Pirton have been added to the national heritage list for England. To

Figure 12: Properties on Hitchin Road, suggested for removal from the removed from the Conservation Area

Figure 13: Holwell Road, proposed to be added to the Conservation Area

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recognise their historic value and contribution they make to the overall history of the area, these have both been added to the Conservation Area boundary. These are:

- Land to the east of Priors Hill and north of Danefield Road, Pirton, Hertfordshire (north-east of Hill Farm, Priors Hill), a scheduled monument and

- Barn at Wrights Farm, Grade II listed.

The scheduled monument was designated in 2016, encompassing an Anglo-Saxon settlement to the west of the village. This field was previously excluded from the Conservation Area as its archaeological value was not known.

The Wright's Farm barn was designated as a Grade II listed building in 2020. As part of this appraisal, the Conservation Area boundary has been amended to include this barn and the other remaining buildings at Wrights Farm, including associated fields, within the Conservation Area. This means that the boundary now extends across the far north of the village, whereby the Wrights Farm complex was previously excluded.

West Lane and a small section of Holwell Road, including Davis Close, has been added to the Conservation Area as an acknowledgement of the characteristics exhibited elsewhere in the Conservation Area that these roads possess, including the historic landscape quality of West Lane and the architectural value of Davis Close. Built immediately post World War one, the houses on Davis Close are an example of post war 'Homes for Heroes', marking an important phase of expansion for the village. Other buildings on West Lane now included within the Conservation Area boundary are Victorian houses at the eastern side of West Lane, built in local Arlesey brick. The grass verges on the lane and two triangular sections of grass on the intersections of Royal Oak Lane and Doves Way with West Lane are also now included within the Conservation Area, acknowledging their importance as a distinctive landscape feature of Pirton.

To adjoin this section of Holwell Road to the core of the Conservation Area, the grass verges and road of Royal Oak Lane are proposed for inclusion within the Conservation Area boundary. The lack of pedestrian provision or on street parking, grass verges and simple form of the lane reinforce the loose, rural character of the village and should be maintained in order to retain Pirton's existing visual quality.

Figure 14: Houses on Davis Close, which are proposed to be added to the Conservation Area

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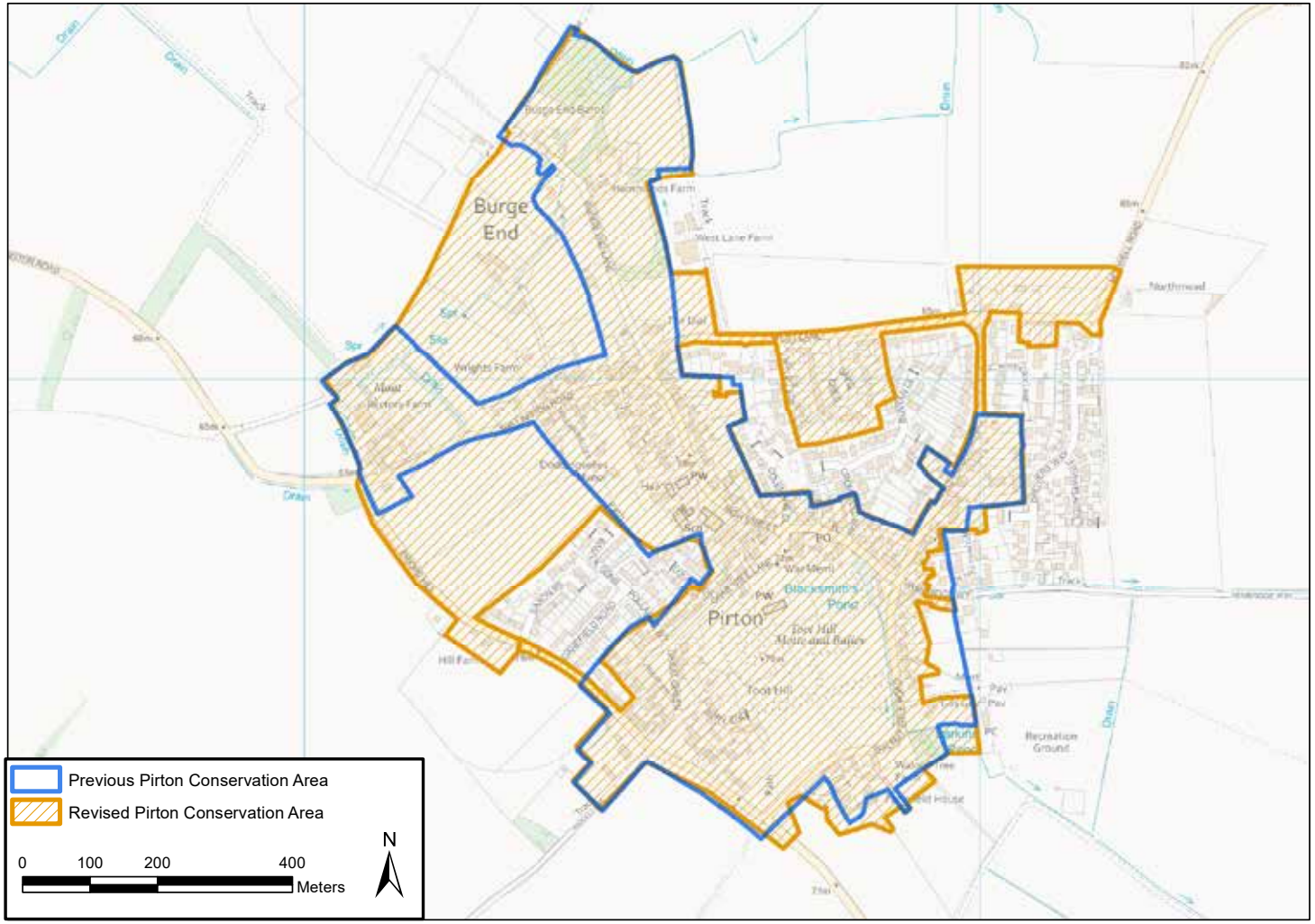

Figure 15: Map of the Pirton Conservation area showing the previous and proposed 2022 boundary

2.4 Designated Heritage Assets

There are fifty-one listed buildings and three Scheduled Monuments within the Conservation Area. A map of these assets is included on the following page, as Figure 17.

Of these, one listed building is Grade I (the highest Grade), five are Grade II* and forty-five are Grade II.

Figure 16: St Mary's Parish church

Listed buildings within the Conservation Area range in date from the twelfth to nineteenth centuries, with the oldest building being St Mary's Parish Church (Grade I) which has twelfth- century elements. The remainder of listed buildings are largely seventeenth-century dwellings, although there are examples of agricultural and residential buildings within the Conservation Area which pre-date these and have fifteenth or sixteenth- century origins.

Believed to be the oldest house in the village, Three Gables is a timber framed building, close to the boundary of the Bury. Originally an open hall house, the building is thought to date from the fifteenth century, if not earlier. Altered and extended in later decades, the house and its location provide an important insight into Pirton's history.

Pirton War Memorial, Grade II listed, was unveiled in 1920 to mark those who lost their lives in World War One, with later inscriptions added after World War Two. It is the most modern designated structure in the village.

The three scheduled monuments within the Conservation Area are:

- Toot Hill motte and bailey castle and shrunken medieval village at Pirton
- Anglo-Saxon settlement, and probable prehistoric ring ditches, west of Pirton village
- Moated site and associated enclosure at Rectory Farm

Together, the three scheduled monuments offer insight into the village's development and possess high archaeological interest. Further study and analysis of the three sites is anticipated to reveal further finds from the prehistoric through the medieval to modern period, with the importance and vulnerability of these site acknowledged in their scheduled status.

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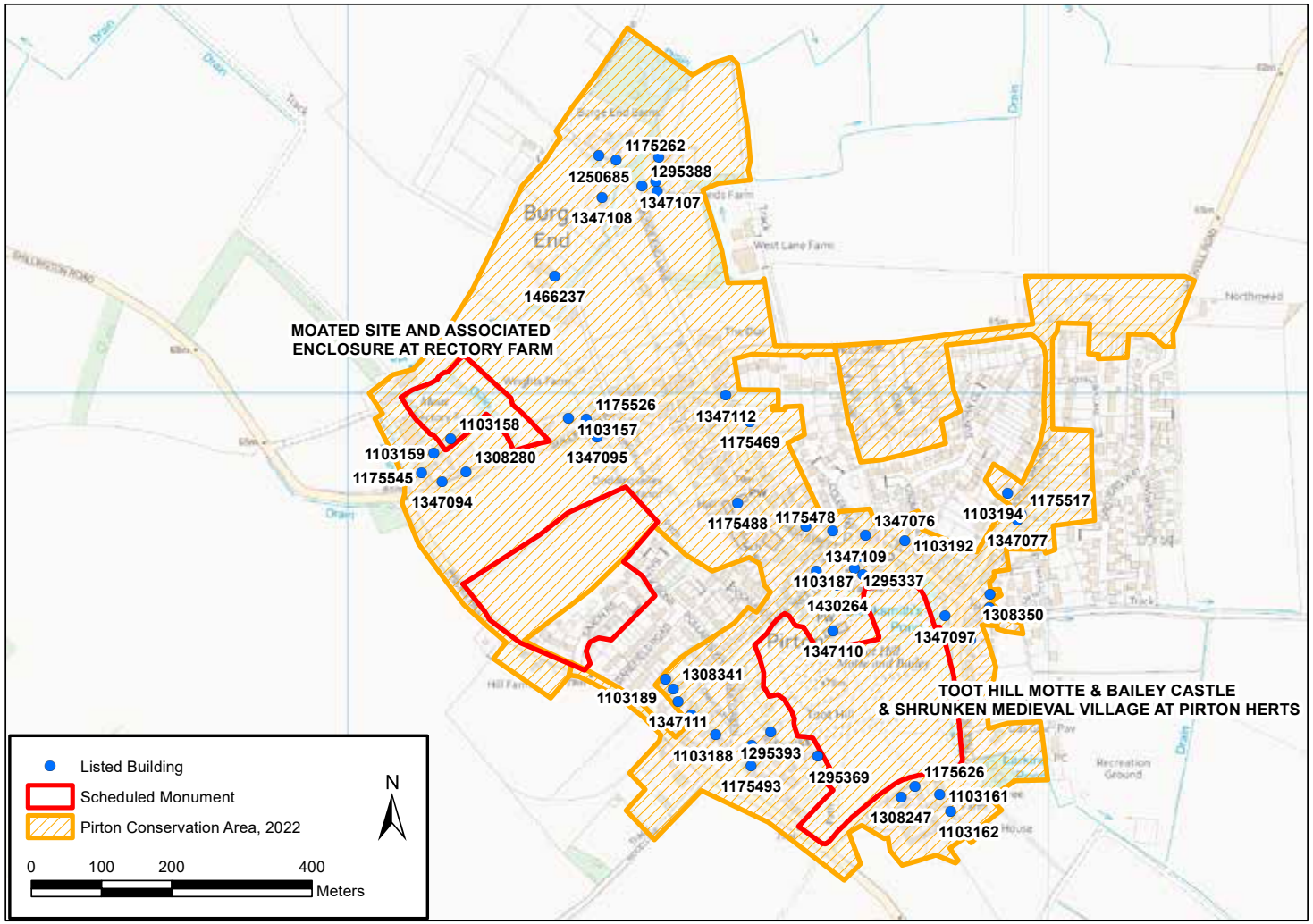

Figure 17: Map showing all designated heritage assets within the proposed Pirton Conservation Area, 2022

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2.5 Non-Designated Heritage Assets

All buildings, features and planned landscapes within a Conservation Area make a contribution to its significance. These can be measured on a sliding scale of positive, to neutral, to negative contributors.

Heritage assets are defined in The NPPF as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.'

Not all heritage assets are designated. Although a building may not be included on the national list, this does not always mean it is of no heritage value. Buildings and other smaller features of the built environment such as fountains, railings, signs and landscaping can make a positive contribution to the appreciation of an area's historic interest and its general appearance.

Local listing is an important tool for local planning authorities to identify non-listed buildings and heritage assets which make a positive contribution to the locality. North Hertfordshire District Council currently has Registers of Buildings of Local Interest for Baldock, Hitchin, Letchworth, Newnham, Knebworth (parish) and Royston.

Buildings of local interest are identified within the Pirton Neighbourhood Plan and within the 2020 character statement for the Pirton Conservation Area. Buildings which make a positive contribution to the Pirton Conservation Area have also been identified in the descriptions of each character area outlined in Section Three. It is recommended that these structures should be considered for formal local listing in the future by the local planning authority.

Figure 18 Nineteenth century cottages on the High Street, built in local Arlesey white brick with decorative red brick banding

Figure 18: Nineteenth century cottages on the High Street, built in local Arlesey white brick with decorative red brick banding

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2.6 Heritage at Risk

Historic England publishes a yearly list of Heritage at Risk. To be included on the list, buildings must be Grade II* listed or above, with the exception of Grade II listed places of worship and Grade II listed buildings in London.

Other designated heritage assets can also be included on Historic England's register, including Conservation Areas, Scheduled Ancient Monuments and Wreck Sites. Non-designated heritage assets are not considered by Historic England for inclusion on the Heritage at Risk Register.

There is one designated heritage asset within the Pirton Conservation Area on the At Risk Register at present, West Barn at Rectory Farm, Shillington Road. At the time of writing, discussions are currently ongoing regarding the barn's future, which is described as in 'poor' condition, class C priority for work (slow decay, no solution agreed).

The Conservation Area itself is not deemed to be at risk by Historic England. There are needless many areas of the Conservation Area which would highly benefit from enhancement which are identified in Section 4 of this document.

2.7 Archaeological Potential

Since 2005, Pirton has been one of the study sites of the Currently Occupied Rural Settlement (CORS) project. The project was initially run by Carenza Lewis at Cambridge University, from 2015 it has been led by Lewis' team at the University of Lincoln.

A number of archaeological excavations have been undertaken within and around the Pirton Conservation Area and reveal the potential of the area. Excavations to date have largely comprised of medieval and post-medieval settlement evidence and test pit surveys identifying hot spots of activity.

The Conservation Area has the potential to contain multi period deposits. Prehistoric activity is largely concentrated to the west of the Conservation Area although later prehistoric activity, including occupation of Bronze Age date, is scattered throughout the Conservation Area with a focus currently known at Pollards Way. Test pit surveys have identified largely continuous occupation within the present settlement since the Romans. Roman activity has largely been identified within and to the south of the current settlement area, comprising of both buildings and industrial activity. The majority of Saxon settlement activity is protected by a scheduled monument, located to the west of Pirton. The most common archaeological evidence identified within the Conservation Area will likely be medieval and post medieval remains comprising of features, structures and finds; examples of these have already been found along the High Street and around the castle.

A good survival of archaeological deposits has been found throughout the settlement and Conservation Area; this is particularly evident along the High Street, where truncation from later buildings can so often occur. Saxon burials (skeletal remains) and palaeoenvironmental remains,

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identified west adjacent to the Conservation Area, are also well-preserved. Excavation evidence has demonstrated the survival of bone and shell, as well as ceramics, metal objects and building materials . Whilst the post medieval settlement evidence is more likely to be sited along the street frontage, the backyard areas are more likely to contain preserved archaeological remains of the medieval settlement. The survival of the castle and earthworks, medieval street plan of Pirton, and the extensive listed buildings, is an important, well-preserved resource.

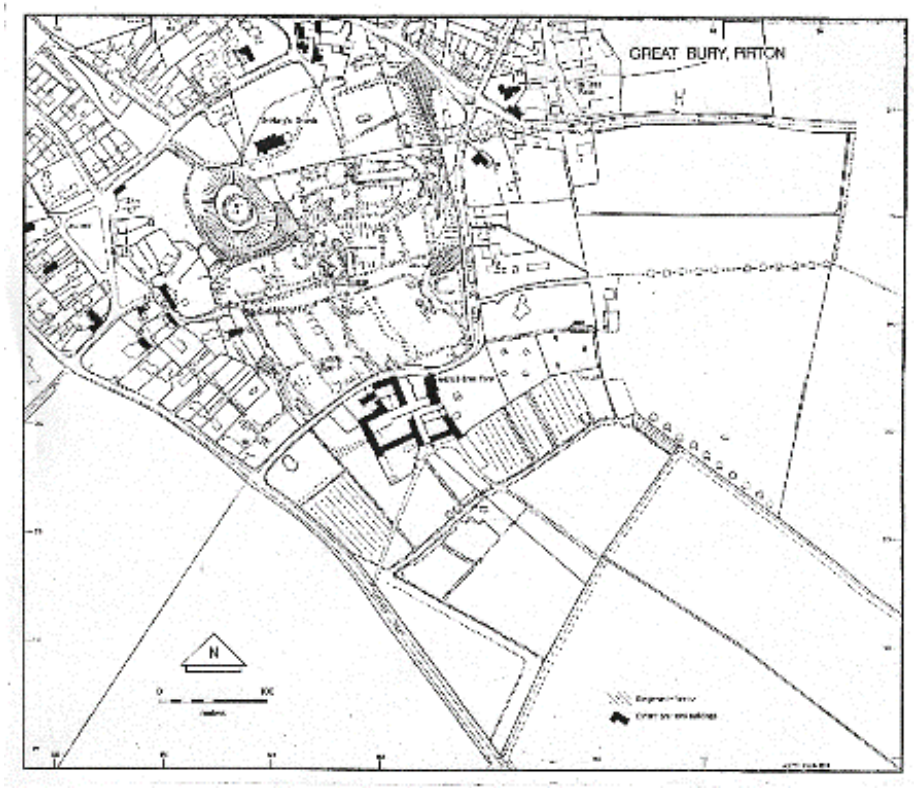

Figure 19: Diagram showing the results of a field survey conducted in 1987/8 of the earthworks to the SE of Walnut Tree Farm. © Gil Burleigh

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3. Assessment of Significance

3.1 Summary

Pirton Conservation Area is significant as an important, historic and continually occupied medieval settlement. For a small village, Pirton contains a wealth of historical features, evidenced by the high number of designations within the Conservation Area. The street plan and layout of the village is indicative of its phased development, providing an insight into Pirton's long running history. From the position of roads, buildings and greens, it is possible to determine how the village grew and declined, representing both local and national events.

Within the Conservation Area, built and archaeological features combine to create a pleasing, attractive example of a North Hertfordshire village. Architecturally, the Conservation Area exhibits a host of styles, although the overall appearance of Pirton is traditional and typical for the region. Timber framed medieval houses are nestled in between Victorian terraces, scattered with examples of former farmsteads and barn conversions in the village core. Local materials, such as Arlesey brick, dominate the street scenes, complemented by examples of thatch and rendered dwellings. Due to the geology of the area, stone is uncommon and features only on the most important of buildings, such as St Mary's Church. Hedgerow, grass verges and large garden plots give the Conservation Area a sylvan quality, interconnected with the surrounding agrarian landscape.

Although much of the village's past remains underground and is not easily discernible to the modern eye, the archaeological potential for further discovery stresses the Conservation Area's position as an important, highly valuable resource from which much can be learnt about past cultures. Toot Hill and The Bury dominate the Conservation Area due to their large size, however the two other scheduled monuments within the Conservation Area are too highly significant as areas of discernible history, indicative of how people lived and worked within Pirton in the last 2000 years.

Despite featuring multiple focal points and greens, Pirton Conservation Area does not have a dispersed appearance, due to the strong sense of interconnection between the village's distinct residential and agricultural areas created by the high number of footpaths and alleys. Pedestrian only routes allow for the Conservation Area to be well appreciated on foot, as it has been for centuries. Alleyways and paths create a sense of secrecy and arrival, replicated across the Conservation Area as sections of built form within the denser village centre open out into pockets of green space. This allows for the rural appearance of the village to be maintained, with the retained sections of green space offering preserving links to Pirton's historic rural setting..

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3.2 Character Areas

For the purpose of this appraisal, the Conservation Area is divided into three Character Areas, loosely defined as:

- Character Area One: The Medieval Settlement (containing Toot Hill, St Mary's, Great Green and Walnut Tree Farm)
- Character Area Two: Northern Farmsteads (north of West Lane)
- Character Area Three: Post Medieval Residential Development (containing the High Street, Royal Oak Lane and Holwell Road)

The areas have been determined by building typology, historical development, land use and appearance. Many of the defining characteristics of each Character Area are present and repeated in other sections of the Conservation Area, which emphasises the local character and architectural significance of the Conservation Area. The following descriptions are not exhaustive, aiming instead to provide accessible accounts of each Character Area which will allow for an informed understanding of the Conservation Area's special interest and defining features.

Prevailing architectural styles, building materials, spatial planning, landscaping and boundary materials are detailed in the description of each Character Area to highlight the special architectural and historic value of the three zones. Photographs are included to aid the descriptions, providing examples where appropriate to inform the understanding of this document.

Each Character Area features designated heritage assets, a full list of the designations within the Conservation Area are included as Appendix 6.3 to this document. Designated buildings or structures which make a notable contribution to each Character Area are described in the following sections, however the omission of any buildings from the description does not mean they make no contribution to the significance of the Conservation Area. An assessment of the significance of each listed building and the contribution it makes to the special interest of the Conservation Area should be made when development or alterations are proposed.

Non-designated buildings or features deemed to reflect and enhance the special interest of the Conservation Area are also identified in the descriptions of each Character Area. These may be suitable for local listing; information regarding the definition of a non-designated heritage asset can be found in section 2.5 of this document. As with the listed structures, not all buildings that contribute to, or reinforce the character of the Conservation Area have been identified within this appraisal of the Conservation Area. Other buildings which feature architectural detailing typical of the Conservation Area, for example, would also be considered to contribute to the significance of the Conservation Area. Future development must be assessed on an individual basis, remaining considerate of Pirton Conservation Area's special interest, with the aim to enhance or preserve those aspects which contribute to its significance.

Key views have been identified within each Character Area, and views from outside the Conservation Area from which its special interest can be recognised are also highlighted where appropriate. There may, nevertheless, be other views of significance within or beyond the Conservation Area's boundary which contribute to how it is appreciated and understood. Any proposals for development within the Conservation Area, or its environs, should thus not only consider the views identified within this document but also any others which may be relevant or highlighted as part of a bespoke assessment of that proposal.

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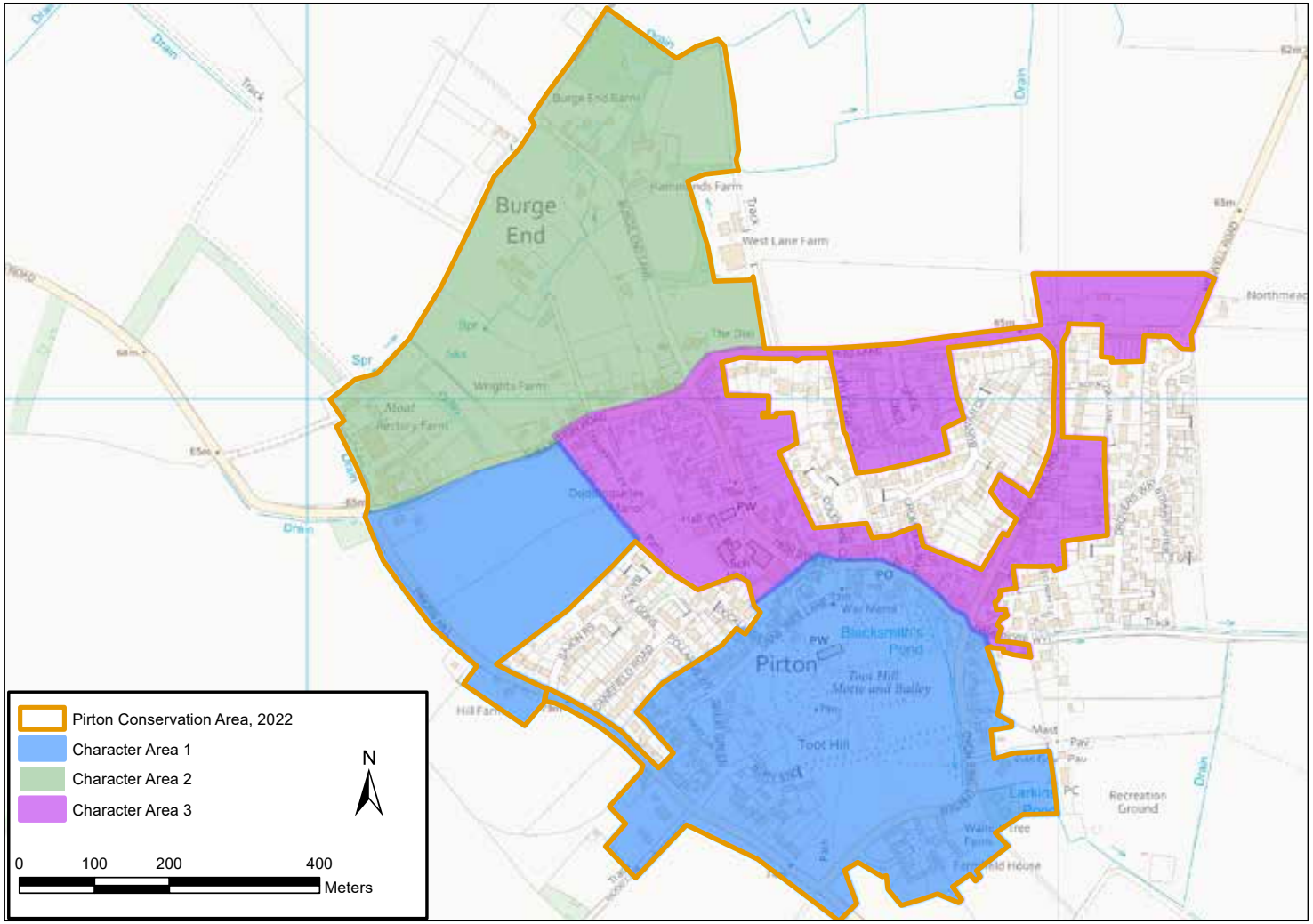

Figure 20: Map of Character Areas, Proposed Pirton Conservation Area 2022

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3.3 Character Area One, The Medieval Settlement

Description

Character Area One can loosely be described as the medieval urban core of Pirton, featuring the earthworks of Toot Hill Motte and Bailey Castle and The Bury, St Marys Church and houses on Great Green. Although buildings in other Character Areas may be contemporary in age, their position in relation to the castle suggests they would have been outliers to the village centre, therefore they are not included within Character Area One. The Character Area's irregular shape is due to the exclusion of twentieth century housing on Saxon Rise, Danefield Road and Baulk Gardens from the Conservation Area.

The Character Area is dominated by Toot Hill and The Bury, which are maintained as an area of publicly accessible green space. Footpaths criss-cross through the scheduled monument, with the space acting as a frequently used pedestrian route through the village. From within the monument itself, built form appears far removed and distant, partially shielded by green screening created by the presence of trees along the monument's boundaries.

Historic buildings within the Character Area are largely late to post-medieval in date and timber framed. Later nineteenth or twentieth century infill buildings, where present, are typically brick constructions. Walnut Tree Farm located immediately south of The Bury is sixteenth century in age and would have stood in conjunction with now lost buildings on The Bury. Priors Hill scheduled monument, in the northwestern section of the Character Area, although now seemingly an agricultural field, in fact contains important remains from the prehistoric and medieval period.

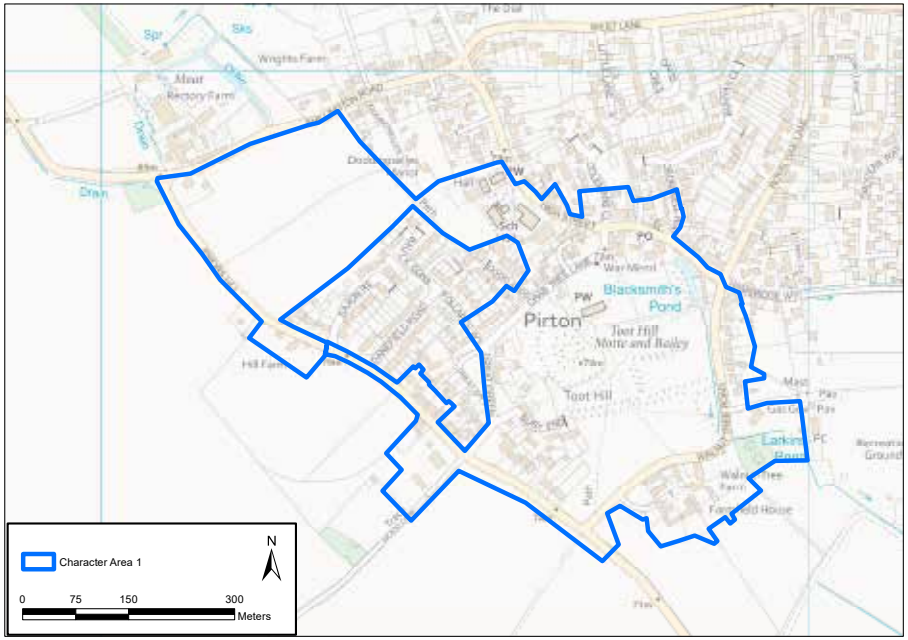

Figure 21: Character Area One, as proposed

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Layout and Land Usage

The Character Area circles out from the site of Pirton's castle, with surviving buildings built along its edge. Walnut Tree Road and Priors Hill frame the castle monument, with Great Green nestled close to the monument's northeastern edge. St Mary's Parish Church, a focal point of the whole village, is central to the northern edge of the Character Area.

Due to the large size of Toot Hill and The Bury, much of the Character Area is open grassland, used as recreational space. Within this Character Area buildings are almost exclusively residential, with the exception of St Mary's church.

Landscaping and Open Spaces

Character Area One features swathes of open space, due to the presence of two scheduled monuments. Although publicly accessible, the nature and management plan of both Toot Hill and Priors Hill monuments means that archaeological remains are largely retained in situ. Within Toot Hill and The Buty monument, earthworks are discernible only as grooves and ridges within the landscape, hidden by pockets of tress and vegetation.

St Mary's Church Yard, north of the church, is a well maintained, landscaped area. Bounded by low lying stone walls, the church yard has a tranquil quality, detached from the village with defined exit and entry points marked by gates, unlike the scheduled monuments. At the churchyard's northern edge, the War Memorial provides a focal point to the lane, complimented by the backdrop of the church and associated church yard.

The Blacksmith's Pond, once part of the castle's moat, is an important ecological feature for the village, with wildlife present. As an urban element, the pond provides a further area for respite for residents and visitors to the village, featuring a bench and small area of paving at its northern edge. Its appearance, framed by willow trees, bullrushes and a small section of post and rail fencing, is calming and naturalistic, adding to the rural, tranquil village feel of the Conservation Area. The pond is not within the

Figure 22: Earthworks in The Bury, with St Mary's Church behind

Figure 23: The Pond, High Street

Figure 24: The War Memorial

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boundary of the scheduled monument.

Great Green reinforces this sylvan feeling. As a section of the Conservation Area less affected by traffic, Great Green again creates a feeling of seclusion and calm, with buildings around the green somewhat concealed due to their position and intervening areas of garden space. The green remains a focal point for the village, featuring a May pole at its centre.

Throughout the Character Area, front gardens are common, with buildings typically set back from the road. Where they do front the street, buildings are typically much older in age and smaller worker's cottages, such as those on Bury End. Many properties are detached, and almost all feature large rear gardens, due to the lack of infill and urbanisation of the village that has occurred.

Figure 25: Great Green, Featuring the May Pole

Key Buildings

Designated

Within the Character Area there are twenty-one listed buildings.

The Parish Church of St Mary [Figure 26]. Grade I listed, Pirton's Parish Church has a crenelated tower and low spire, which means it is not visible throughout the village. The building's position, however, is important and asserts its intended role as focal point for the village. Built in stone, unlike other building's within Pirton, the church has a humble appearance, betraying the wealth and intent which would have enabled its construction. Restored and renewed in numerous phases subsequent to its twelfth century construction, the church is multi-phased with a largely nineteenth century interior.

Three Gables [Figure 27]. Believed to be the oldest building in the village, Three Gables is a timber framed and rendered house located on Bury End, immediately southeast of the demolished castle. Grade II* listed, the building is a fine example of a fifteenth century (if not older) open-hall house with later inserted floor and extensions.

Docwra Manor. Also located on Bury End, Docwra Manor is another late-medieval building

Figure 26: St Mary's Parish Church

gaining its name from Thomas Docwra, for whom the building was constructed. Grade II listed, the core of the building dates from 1609 and is the surviving wing of a much larger building, now demolished. Unusually, the building is partially constructed in limestone rubble; it is the only stone residential building within the Conservation Area. Extended in the twentieth century, it was used as a pub in the nineteenth century, one of several pubs operational in Pirton during that time. It is Grade II listed.

Buildings on Great Green. One of the oldest surviving complexes of buildings, there are five listed buildings on the western side of Great Green. These are all timber framed

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structures, rendered and ranging in date from the seventeenth to eighteenth centuries.

Crabtree Lane. Similar to Great Green, there are a cluster of timber framed listed buildings on Crabtree Lane, close to the High Street. Dating largely from the medieval period, their position in relation to the church is testament to their age.

Walnut Tree Farm and associated barns. Located on the southern edge of The Bury, Walnut Tree Farm would once have been more interconnected to the village core. The farmhouse is Grade II listed, with associated barns benefitting from their own designation. No longer a working farm, the ancillary buildings are now in residential use, although their block plan and the nature of conversion allows the complex to remain discernible as a farmstead.

Non-designated

The Old Rectory, 1 Priors Hill [Figure 34]. A red brick detached house, The Old Rectory is located on the western edge of Priors Hill Set back from the remainder of the Conservation Area, the building is set within large grounds which extend into the agricultural fields beyond.

6 Priors Hill [Figure 35]. Constructed in white Arlesey brick, number 6 is a symmetrical, hipped roof dwelling set back behind iron

Figure 27: Three Gables

Figure 28: Barn at Walnut Tree Farm

Figure 29: 5 Crabtree Lane

Figure 30: Crabtree Lane

Figure 31: 4-6 Walnut Tree Road

Figure 32: Crabtree House

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railings. The building retains its awning covers on the front elevation and features a semi-circular fanlight above the front door with single pane, plate glass sash windows.

7, Great Green. Two bays, with a central doorcase, the building features bay windows and roughcast rendered walls with a slate roof.

The Motte and Bailey Public House [Figure 36]. Occupying a prominent location at the junction of Great Green and Crabtree Lane, the pub is an early twentieth century building.

Building Materials and Boundary Treatments

Roofs

Within the Character Area, buildings are roofed in a variety of finishes, including slate, plain tile and thatch. On older buildings, red clay tiles are most common, however many have lost their original roof coverings. Where plain tiles have been removed, many houses have been re-roofed in cementitious tiles which have a comparatively flat appearance.

Rooflights are not common within the Character Area and, where present, distract from the traditional appearance of the roofscape.

Buildings within the Character Area are predominantly two storeys in height, with some

Figure 34: The Old Rectory

Figure 35: 6 Priors Hill

Figure 36: The Motte and Bailey, Great Green

Figure 37: Roof coverings within the Character Area are varied yet predominantly traditional

Figure 38: An example of exposed timber framing and brick nogging, found throughout the Character Area

Figure 33: example of Flemish bond brickwork, common within the Character Area

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only one and half storey dwellings tall. Chimneys are a prominent part of the roofscape, with many houses featuring multiple stacks.

Walls

Exposed timber framing is common, with buildings also featuring rough cast render or brick nogging between the timber studs.

Red brick is most common on older properties, however nineteenth-century dwellings are almost exclusively built in local white coloured Arlesey brick, often with red brick decorative details such as window surrounds or banding.

Feather edged weatherboarding, painted black, features on outbuildings and former farm buildings within the Character Area.

Windows and Doors

Windows and doors vary, subject to a building's age. Casement windows are most common on timber framed buildings, where windows are typically small in proportion to the building. Nineteenth century buildings feature sash windows where still present, however many have seen their original windows replaced with uPVC top hung casements.

Timber panelled doors are most common, painted in a variety of colours. Fanlights, where

Figure 39: Hedgerow is a dominant boundary treatment

Figure 41: Example of picket fencing used as a boundary treatment

Figure 40: Post and chain fencing on Great Green

present, are indicative of the trend for 'polite' architecture in the eighteenth and nineteenth centuries.

Porch extensions are uncommon, although have been added to some dwellings. Pitched canopies are more common, above entrances to dwellings.

Boundary Treatments

Hedgerow and low-lying wooden fences are the dominant boundary type, with few brick boundary walls present around residential dwellings. Where present, brick is typically used for gate posts, rather than as a defined brick boundary wall.

The church yard, featuring a rubble and brick wall, is the most formalised space in the Character Area, however the low height of the church's boundary allows for visual permeability from the church yard into the monument to the south.

As with the residential boundary treatments, the boundaries for the scheduled monuments are mostly marked by hedgerow, gaps within which allow for pedestrian access into the sites. Toot Hill and The Bury is the more formal of the two monuments, featuring a stile and kissing gates at designated entrance points.

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Great Green is similarly marked in a minimal fashion, with sections of the green bound by post and chains, as a parking deterrent.

Public Realm

Unlike the other Character Areas, Character Area One features large swathes of publicly accessible land. Green and grassed, the Toot Hill and The Bury scheduled monument provides recreational space within the heart of the Conservation Area. Here the land is largely open, although pockets of trees add a wild, woodland quality and places of shelter.

Great Green and The Churchyard are comparatively formal spaces, more closely overlooked by surrounding houses and used for community events.

Street furniture is extremely minimal, limited to a bench next to the pond, a scattering of waste bins and a letter box.

Figure 42: View toward St Mary's Church, taken from within the Scheduled Monument

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Views

Key views within the Character Area are identified on the adjacent map. This is not an exhaustive list and other important transitory views may be achieved when moving through the Character Area, either toward important buildings of the wider landscape. Diurnal and seasonal changes may also reveal or conceal views and should be considered as part of any proposal for change within the Conservation Area.

Important views from the edge of the chractaer area and within the Toot Hill scheduled monument toward the Chilterns Area of Outstanding Natural Beauty offer an attractive backdrop to the Conservation Area, set next to the rolling hills of the Chilterns. This provides contrxt to the Conservation Area, reinforcing its rural location and relationship with surrounding agricultural landscape.

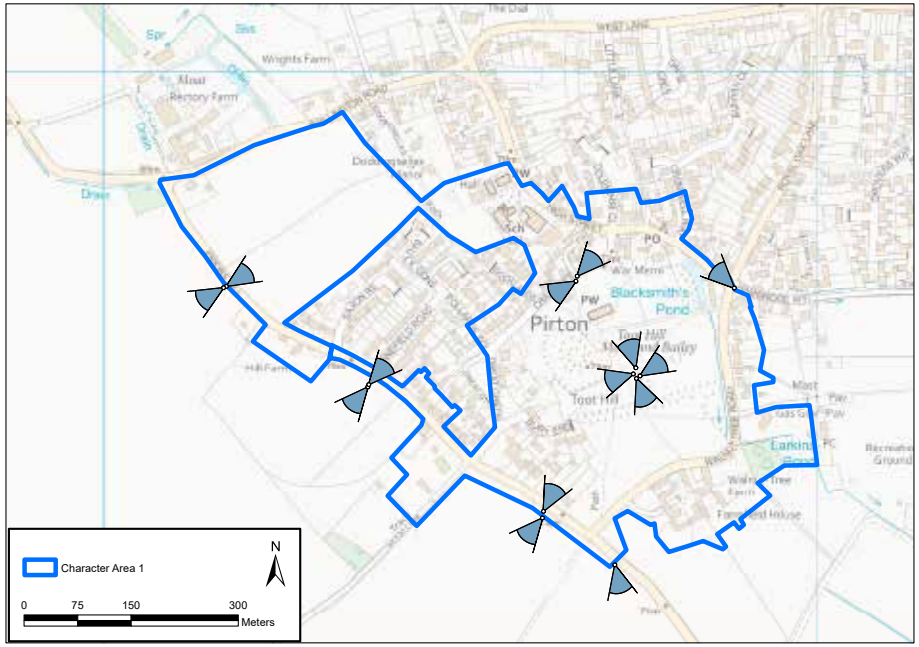

Figure 43: Map of notable views within Character Area One

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3.4 Character Area Two, Northern Farms

Description

The second Character Area encompasses a small section of housing on Shillington Road and four historic farms on Pirton's norther edge, within which there are listed buildings: Rectory Farm, Wrights Farm, Burge End Farm and Hammond's Farm. All four farms have historic value, and Hammond's Farm and Rectory Farm are late-medieval in origin. The most recently constructed of the four farms, Wrights Farm is the least complete, with the farmhouse now lost. A surviving barn, listed in 2020, is eighteenth century in origin.

Although once more disconnected from the core of the village than present, Hammonds Farm and Burge End Farm retain a sense of detachment from surrounding development. The two farmsteads are accessed via Burge End Lane, a narrow, tarmacked route lined with hedgerow and trees. Burge End Farm.at the northern edge of the lane, is seventeenth century in date, whilst Hammond's Farm is early sixteenth century.

Rectory Farm, at the edge of the village and Conservation Area, is a large, moated complex, dating from the medieval period. The moat is a scheduled monument, evidential of a medieval trend for wealthy manorial, aristocratic residences to be protected by wide, water filled ditches. The moat at Rectory Farm is particularly unusual as it has a double island, assumed to have different functions. The farmhouse itself is a replacement building dating from the seventeenth century, predated by surviving barns which are fifteenth-sixteenth century in date.

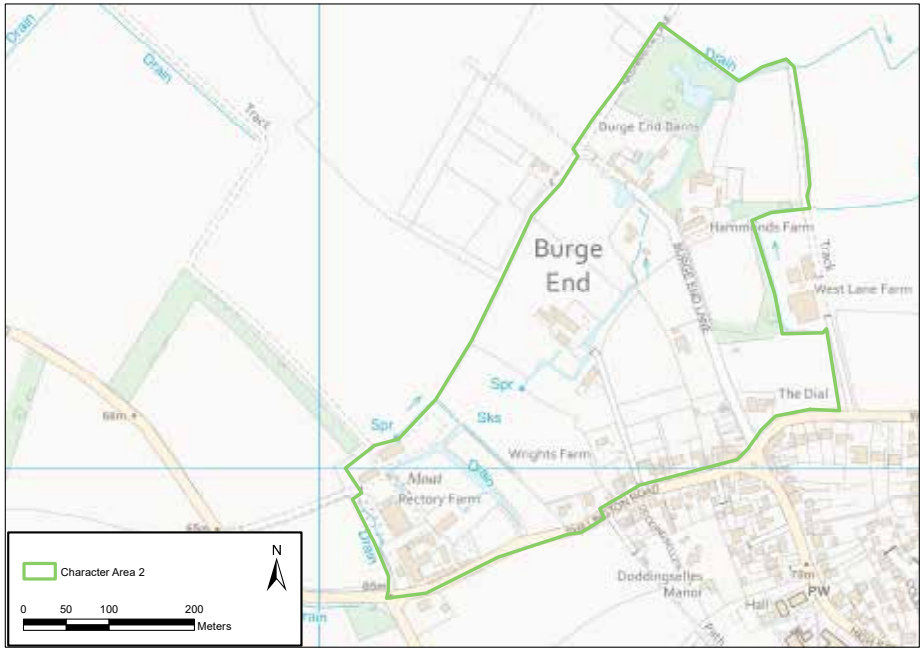

Figure 44: Map of Character Area Two

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Layout and Land Usage

The Character Area is predominantly comprised of areas of open fields with historic associations to the listed buildings within the Character Area. Shillington Road is partially included within the Character Area and is an important historic route running east-west across the northern edge of Pirton.

Domestic buildings on Shillington Road front the road, facing in toward the centre of the village, benefitting from an active relationship with the streetscene.

Land use is primarily residential and garden curtilage, with the fields at Wrights Farm in the centre of the Character Area not currently in agricultural use.

Landscaping and Open Spaces

Landscaping is a mixture of formalised garden spaces and areas of agrarian land, demarked by hedgerows. Much of the Character Area is open, which means that from publicly accessible areas, such as the footpath and Burge End Lane, wide views are afforded over the centre of the Character Area.

Within garden spaces, particularly around Rectory Farm, there is a sense of containment and seclusion, contrasting sharply with the appearance of the surrounding agricultural fields.

Figure 45: Burge End Lane

Key Buildings

There are fifteen listed buildings within the Character Area, including four Grade II* buildings, The Tithe Barn at Rectory Farm, Rectory Farmhouse and Hammond's Farmhouse. The remainder are Grade II.

Designated

Rectory Farmhouse [Figure 46]. Once the manorial building, the building is now a farmhouse. Dating from the early seventeenth century, the building likely replaced an earlier structure. Built in clunch and red brick, the building has roughcast rendered gables, with an adjoining, single storey brewhouse to the rear.

Tithe Barn at Rectory Farmhouse [Figure 47]. Grade II* listed, fifteenth/early sixteenth century. Timber framed on a narrow brick plinth, the building would have been used to store 'tithes', produce given as tax payment. Tall and rectangular, the building is ten bays long and aisled.

Dovecote, Stable and Granary at Rectory Farm. Multiphased, the three interconnected buildings include a seventeenth- century dovecote, used to house pigeons. The granary building features a raised floor, to protect the grain from pests and vermin.

Hammond's Farm. Grade II* listed, Hammond's Farmhouse is an early- sixteenth century former hall house, modified post its initial construction to include a floor, stair tower and additional wing. Timber framed and rendered, the house is on the eastern side of Burge End Lane and surrounded by three, individually listed outbuildings.

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Burge End Farmhouse [Figure 48]. Dating from the seventeenth century, Burge End Farmhouse is a timber- framed building, refaced in brick in the eighteenth century. The building retains many original features and is built to a lobby entry-plan form.

Outbuilding at Burge End Farm. Timber- framed and boarded, the outbuilding fates from the seventeenth century with later alterations.

Barn at Wrights Farm. Eighteenth- century in date and almost entirely complete, the barn is a surviving structure of a now almost entirely lost vernacular farmstead.

28, Shillington Road and individually listed barn [Figure 50]. A sixteenth- century or earlier open hall house with inserted floor. The building features sections of exposed framing. The barn has been converted to residential amenity space, including the addition of three rooflights on the western roof slope.

Non-designated

Hanscombe Cottage, 14 Shillington Road [Figure 51]. A two-bay cottage with central doorway, pebble dashed and painted with timber sash windows.

2-12 Shillington Road. A small terrace of nineteenth century cottages, built in gault brick

Figure 46: Rectory Farmhouse

Figure 47: Tithe Barn at Rectory Farmhouse

Figure 48: Burge End Farmhouse

Figure 49: Barn at Burge End Farmhouse

Figure 50: 28 Shillington Road

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with red brick banding.

71 Shillington Road. A gault brick and gabled two storey detached dwelling, sympathetically extended with an additional two bays on the eastern side.

Building Materials and Boundary Treatments

Roofs

Red plain tiles are the most common roof coverings, cementitious tiles are also present on twentieth century infill dwellings. There is one example of a thatched dwelling and some roofed in slate. Due to the age of many of the buildings, several buildings feature irregular roofs, with gablets and unusual junctions between roof planes.

Chimneys are common feature, located at the centre of buildings and/or on the exterior wall. Chimney pots have been lost on many dwellings, although their stacks remain. Ornamentation is minimal, with buildings exclusively two storeys in height, some with attic accommodation.

Solar panels are present on some properties, however where visible in the street scene they are a detracting, modern element. Similarly, satellite dishes are an incongruous feature.

Walls

Render is common, with elements of exposed timber framing featuring on multiple buildings. Where they are not rendered, some timber-framed buildings feature brick nogging infill panels or are clad in timber weatherboard. Boarding is exclusively found on ancillary buildings until the twentieth century. Infill buildings on Shillington Road, built in the late-twentieth century, do feature cladding or tile hanging at first floor level.

Brick is used for the Victorian terrace at 2-12 Shillington Road and late- twentieth century dwellings also on Shillington Road. Like other properties in the High Street and on Holwell Road, 2-12 Shillington Road are gault brick with red brick banding.

Windows and Doors

Windows are typically casement design, timber-framed units. Some buildings feature sash windows, however many sashes have been lost and replaced with top hung casements.

uPVC windows, where present, are largely on modern or non-designated buildings. Where present, uPVC windows have been installed in existing openings, meaning that all older buildings have retained their arched lintels, an important characteristic of the village.

Dormer windows and rooflights are not common

Figure 51: 14 Shillington Road

Figure 52: An example of where modern uPVC windows have been installed to replace wooden sashes

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features and loft conversions are not commonplace.

There is a wide variety of doors within the Character Area, the majority of which are timber close boarded or panelled units. Side lights and fanlights are not common door features. Where properties have lost their original doors (eg. on 2-12 Shillington Road), two panel glazed doors are prevalent.

Doors are typically simple in design, without pedimented or ornamented doorcases. Porches are uncommon, with few buildings featuring canopies above the main entrance. Where canopies are present, they are simple in design, either flat or featuring a small pitch. Doors are typically flush with the external wall of a building.

Boundary Treatments

Like the remainder of the Conservation Area, boundary treatments are informal and consist primarily of hedgerow, picket or post and rail fencing. Iron railings are not a common feature, nor are formal entranceways or gates.

Brick walls, where present, are low in height and, if nineteenth century or earlier, built in white Arlesey brick with wooden gates Twentieth century walls are typically red fletton brick, also low in height.

Parking is generally off road, with houses benefitting from large plots which allow for residents to park at the side or in front of their property.

Public Realm

There are very few areas of public realm. Pedestrian provision is restricted to one side of Shillington Road, where vehicular traffic is dominant. Footpaths and bridleways leading out of the Character Area do, nevertheless, provide pedestrian interconnectivity to other sections of the Conservation Area and out into the wider landscape.

At the junctions of the High Street and Priors Hill with Shillington Road, there are small triangular pockets of grass, as is typical for the village. These help to reduce the speed of vehicular traffic and reinforce the informal, rural, village character of the Conservation Area.

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Views

Key views are within the Character Area are identified on the adjacent map.

Particularly important are incidental views toward historic buildings which are somewhat concealed by tree cover and their set back from the road.

At the northern edge of the Character Area, on the Hertfordshire border, wide views across the Bedfordshire landscape can be achieved, showcasing Pirton's isolated position and providing insight into its position in relation to other settlements, such as Holwell, which is visible to the north east.

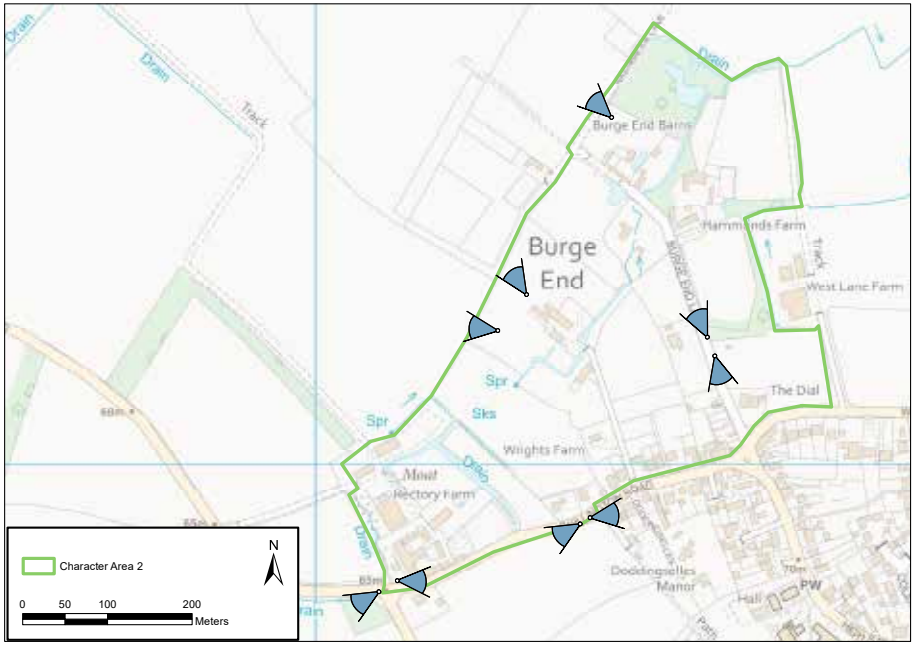

Figure 53: Map of some highlighted important views within Character Area Two

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3.5 Character Area Three, The High Street and Royal Oak Lane

Description

Character Area Three represents a later phase in the village's development, east of the medieval village and castle. Buildings have a mixture of residential and amenity functions; within this Character Area there is the village hall, school, a public house and a shop.

Most buildings within the Character Area date from the nineteenth century or later, meaning they are predominantly brick constructions, rather than timber framed and rendered. Good examples of Arlesey brick buildings are present on the High Street and on Holwell Road, the light colour and appearance of which are a strong component of the Character Area. Where they do feature, older buildings within in the Character Area typically date from the seventeenth century and would have once been outliers to the village core, such as Elm Tree Farm and 17 High Street. Buildings from the post-medieval period within the Character Area are almost all listed, due to their age and architectural interest.

Sections of modern infill have expanded the village, encroaching upon the Conservation Area's boundary and infilling sections of land between the High Street and Royal Oak Lane, including Davis Crescent, within the Conservation Area boundary. Built in 1920, the crescent has a strong designed layout which references the appearance of Great Green, in Character Area One.

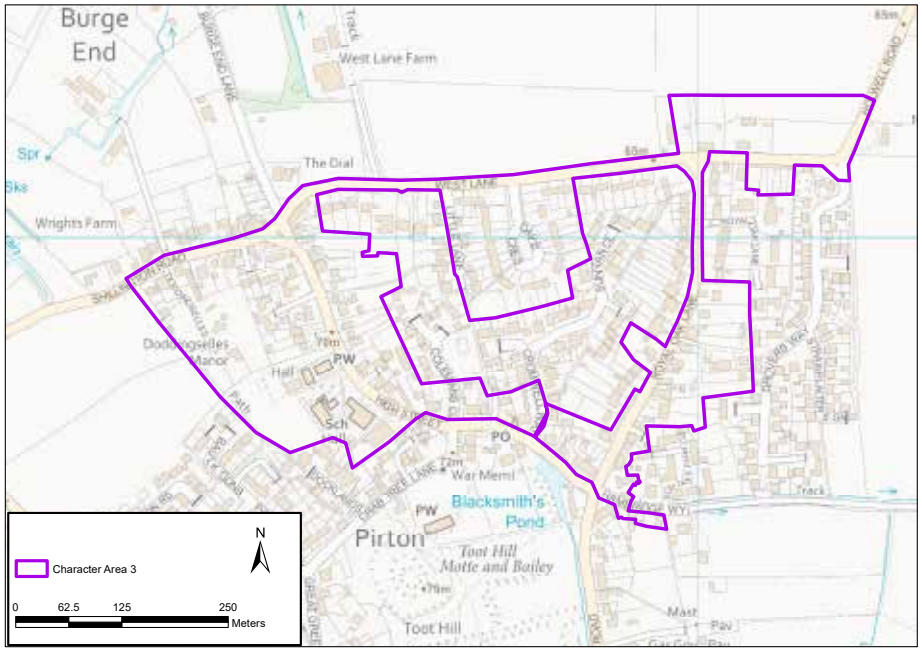

Figure 54: Map of Character Area Three

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Layout and Land Usage

The Character Area is roughly triangular in shape, including two spine routes out of the village (the High Street and Royal Oak Lane) and a connecting road which runs east-west at the northern edge of the village, Holwell Road. At the junction of each road, sections of grass are present which have a widening effect, contrasting to the narrowness and undulation of the roads they adjoin.

Grass verges are a prominent part of the Character Area, which lacks formal pedestrian provision in places, often only featuring a pavement on one side of the road.

Land usage is split between residential, commercial and municipal use, including almost all of Pirton's amenities. The Village Hall, a chapel, the school, The Fox and village shop are all within the Character Area.

Landscaping and Open Spaces

Little Green [Figure 55], at the junction of Royal Oak Lane and the High Street, is the largest of publicly accessible open spaces within the Character Area. The school, Methodist Chapel and The Fox PH do, nevertheless, feature areas of associated land which have a community function. To the rear and front of the village hall the land is partially tarmacked for car parking.

Figure 55: Little Green

Figure 56: Grass Verges on Royal Oak Lane

Figure 57: Open Space at Cromwell Cottage

Figure 58: Green Space at the junction of the High Street and West Lane

Figure 59: The Fox Pub (left) and associated garden

Figure 60: The Village Hall, High Street

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Pockets of grass verges and small greens are a dominant feature of the Character Area, some featuring benches and offering areas of respite for residents and visitors to the village [Figure 56]. These small greens help to prevent the Character Area from appearing too urban, retaining a link to the surrounding rural landscape and emphasising the loose grain of development within the village.

Key Buildings

Designated

There are seven listed buildings within the Character Area, including the Methodist Chapel, The Fox PH and a selection of older residential dwellings. Many of the listed buildings are post-medieval in age and once would have been more scattered in appearance than they are today. For a details of all the listed buildings in the Pirton Conservation Area, see Appendix 6.3.

The Methodist Chapel. Built in 1906, the building is constructed in red brick with steep slate roofs. The chapel features Arts and Crafts and Art Nouveau elements, an elaborate frontage and stained-glass glazing.

The Fox PH. Dating from the seventeenth century, re-fronted in the eighteenth century. The pub is timber framed and two storeys high. Originally a lobby entry house and two cells wide, the building was extended in the eighteenth century with an additional two bays, lower in height.

17 High Street [Figure 62]. Built circa 1600, the house has a lobby entry plan form, thatched roof and roughcast rendered walls. From the street only the side of the building can be seen, the front of which is perpendicular to the High Street.

Cromwell Cottage [Figure 57]. Grade II listed, the building has a nineteenth century brick frontage which disguises its sixteenth century origins. The rear range of the building is the oldest section, featuring exposed timber framing.

41-45 High Street. Seventeenth century in age, with later alterations, the small terrace was originally two dwellings rather than three. Timber framed, the building is set back from the road and features rough cast render and casement windows.

Elm Tree Farmhouse. Dating from the sixteenth century but primarily seventeenth century in age, Elm Tree Farmhouse was the farmhouse for the land between Hambridge Way and Holwell Road, now infilled with modern housing. Elm Tree Farm was closely linked to Little Green Farmhouse, which was located immediately to its north and demolished in the early twentieth century.

Orchard Cottage. Built circa 1600, Orchard Cottage is at the bottom of the High Street, on the route to Burge End, in the northern part of

Figure 61: The Methodist Chapel

Figure 62: 17 High Street, largely concealed from the road due to its elevated position

Figure 63: 21 Royal Oak Lane

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the village. Timber framed and rendered; the house has a steep slate roof which would have once been thatched.

Non-designated

Properties which feature typical local and traditional materials, such as Arlesey brick, lime render, natural slate and handmade tiles contribute positively to the Character Area. The following have been identified as positive contributors to the Conservation Area due to their display of such materials and relatively unaltered appearance.

1 and 3 Holwell Road [Figure 64]. Both detached, these two buildings are typical in appearance for the nineteenth century, with a roof gabled at the sides and featuring a central doorway, with windows either side. Windows across the front of each house are wooden sashes. Built in gault brick, both houses are simply designed, with red brick used as ornamentation at the eaves, around windows and as strip bands across the buildings. Although they have been extended, each house retains large gardens to the side and rear.

2-24 Holwell Road, '12 Apostles Terrace' [Figure 65]. Constructed in the late- nineteenth century, this terrace of twelve cottages is simple in appearance, with each house one bay wide.

Figure 64: 3 Holwell Road

Figure 65: 2-24 Holwell Road

Figure 66: 19 and 21 High Street

Figure 67: Barn on the High Street

Figure 68: 51-65 High Street

Figure 69: 81-91 High Street

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45-51 West Lane. A further example of Victorian terraced housing, these five cottages on West Lane are constructed in red brick and each one bay wide. Although the terrace is seven houses long, dwellings on the western edge of the terrace are excluded due to the alterations that have taken place, including the addition of render on the first floor.

19 and 21 High Street [Figure 66]. Built as almshouses, Hammonds Cottages, as they are known, are a single storey brick pair of cottages, set back from the High Street in an elevated position. They feature stone window and door surrounds. There is a plaque on each dwelling, located in the centre of the gable, which read 'Hammonds Almhouses' and 'Built 1607, Rebuilt 1877' respectively.

51-65 High Street. [Figure 68] Short terrace of two storey brick cottages with slate roof, including the village shop.

81-91 High Street [Figure 69]. A short terrace of six brick cottages, with the flanking cottages featuring a street fronting gable. Number 81, on the northern edge, has been extended to the side.

Building Materials and Boundary Treatments

Roofs

Welsh Slate and red plain tile are the most common roof coverings, with examples of thatch and cementitious tiles also present. Some properties feature bargeboards and ridge tiles, but on the whole roofs are unadorned.

Chimneys are common feature, located at the centre of buildings and/or on the exterior wall. Chimney pots have been lost on many dwellings, although their stacks remain. Chimneys are typically simple in design, perhaps featuring dentiled or contrasting courses of brick but with little ornamentation.

Walls

White Arlesey Brick is the most common building material within the Character Area. Produced locally in the nineteenth century to early- twentieth century, the bricks have a characteristically pale-yellow colour, due to the presence of vast amounts of chalk within the local landscape. Other brick colours are used, possibly coming from brickworks in Luton which produced grey and red bricks.

Red brick, more commonly used in other areas

Figure 70: Examples of brickwork within the Character Area

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of the county, is a small feature of the Character Area. Where it does feature, red bricked historic buildings, such as the Methodist Chapel and The Fox PH, are focal points within the village due to their contrasting appearance.

Davis Close, a new addition to the Conservation Area, is constructed in common Fletton Brick [Figure 71]. These bricks are wire cut, meaning they have a different texture to the older bricks in the village which are hand pressed. Wire cut bricks are the dominant brick type on twentieth century buildings within the Character Area.

Windows and Doors

Timber sash windows would have been dominant within the Character Area when the nineteenth century dwellings were constructed; however, a variety of windows are now present throughout the Character Area. Casement windows are now the most common, often double-glazed uPVC replacements of sashes which have been removed. The arrangement of panes on timber windows, where present, are in a variety of patterns, with each casement or sash divided into multiple panes with integral glazing bars.

Surface mounted glazing bars are not a prevailing feature of the Character Area, nor are surface mounted trickle vents. Where timber casement windows are in situ, they are flush and single glazed. Modern windows have been installed almost wholescale throughout the Conservation Area, with older timber windows generally only retained on listed buildings. Metal framed casements are not a feature of the Character Area, with twentieth century infill dwellings almost all featuring uPVC windows.

On brick buildings, windows are typically deeply recessed with stone or tile sills, arched lintels and picked out in contrasting brick or stone. On rendered dwellings, windows are smaller, with wooden sills and flat render detail or a pentice board around the window lintel.

The retention of original timber doors is more common, although some properties have been extended at the front to create a single storey porch addition. Most properties are entered via a door flush with the exterior wall, leading to an internal lobby or directly into the front room of the building.

Composite doors are, like uPVC windows, common. Doors within the Character Area are in a variety of styles, dependent upon the design of the property. Sidelights and fan lights are not a feature of the Character Area, although some doors are part glazed.

Boundary Treatments

Boundary treatments are minimal, limited

Figure 71: Houses on Davis Close, constructed in Fletton Brick

Figure 72: example of where uPVC windows mimic traditional window types

Figure 73: Timber Casements at The Fox PH

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to hedgerow, picket fencing and tree cover throughout the Character Area. The set back of buildings, including the presence of grass verges on both High Street and Royal Oak Lane creates a sense of separation meaning high or solid boundary walls are not necessary for privacy.

Iron railings are uncommon, and where present, incidental to the street scene. This is due to their visual permeability and the lack of grand formal gates or entranceways forming part of the boundary they mark.

Hedgerows have been removed in places to facilitate off road parking. Although beneficial to the appearance of the Conservation Area by removing cars from the road, the loss of hedging diminishes the green appearance of the street scene.

Neutral Elements

Within the Character Area there are numerous twentieth-century infill buildings on the High Street and Royal Oak Lane which do not detract from, but do not add to, the overall appearance and special interest of the Conservation Area. This is due to the sympathetic massing and materials used on these buildings, which allow them to remain innocuous within the street scene.

The general appearance of the twentieth century buildings allows them to be easily read as modern additions, with these later additions to the village typically featuring larger windows and reddish-brown bricks, rather than the orange-y red or gault brick of nineteenth century dwellings.

Public Realm

Public realm is limited within the Character Area to streetlamps, traffic signs and general paraphernalia, such as utilities cabinets and litter bins.

Outside Cromwell Cottage [Figure 57], there is a Victorian post box and bench which, together with the bench next to the pond, provide an attractive focal point to the village.

Streetlamps, where present, are a variety of styles. As part of the Parish's Neighbourhood Plan, streetlamps were appraised, with swan necked lamps considered most favourable by residents.

Figure 74: Hedgerow on Royal Oak Lane

Figure 75: Neutral modern buildings on the High Street

Figure 76: Infill dweillings on Royal Oak Lane

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Views

Key views are within the Character Area are identified on the adjacent map. These include the view toward St Mary's church at the bottom of the High Street and along the High Street toward the village shop.

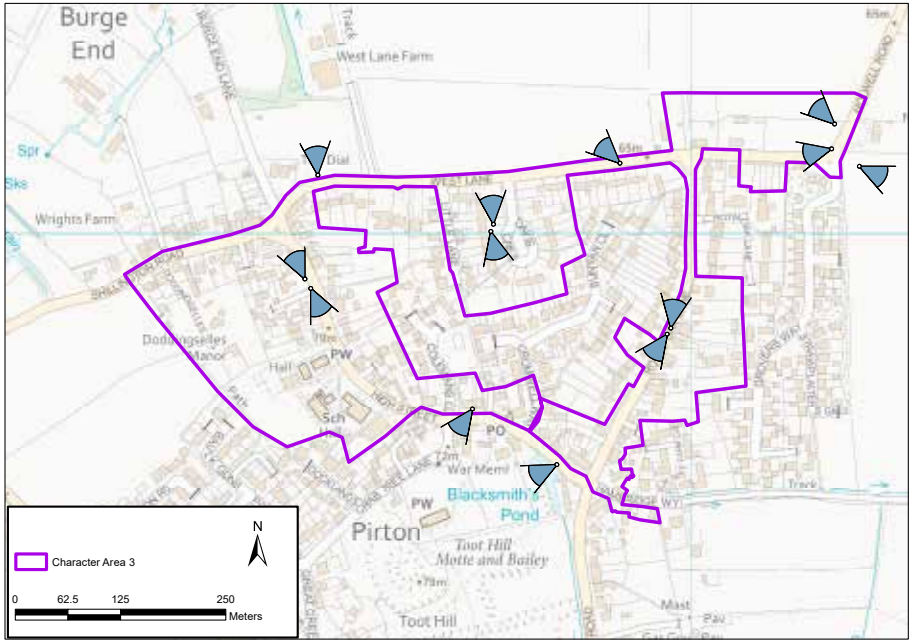

Figure 77: Map of important views within Character Area Three identified as part of this appraisal

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3.6 Setting of the Conservation Area

The setting of the Conservation Area is a contributor to its significance, allowing for the Conservation Area to be understood and appreciated. Setting is defined within the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. (NPPF: Annex 2: Glossary).

Pirton's setting remains as it has for centuries, surrounded by an agrarian landscape. Although nearby settlements such as Luton and Hitchin have expanded, their distance from the village means there has not been encroachment onto Pirton's setting.

There are numerous listed buildings and scheduled monuments outside the Conservation Area boundary which contribute to the understanding of how Pirton developed. These include Pirton Grange, a Grade II listed building north of the village and the scheduled monuments at Knocking Knoll and Pegsdon Hill.

The Chilterns AONB makes an incredibly important contribution to the setting of the Conservation Area, adjoining its western boundary. The protected status of this area means tighter development controls are in place within the AONB and the prevailing natural beauty of the area both recognised and protected. Its designation also prevents further expansion of Luton northwards towards Pirton, with the AONB acting as an important landscape buffer to prevent encroachment upon the Conservation Area.

Luton Airport, some ten miles south of the Conservation Area, has some effect on the noise and tranquillity of the Conservation Area but is sufficiently removed to not have a high impact upon the rural feel of the village. Further expansion of the airport, could however, alter this.

Figure 78: View toward the Chilterns AONB, from Priors Hill

Figure 79: View looking north out of the Conservation Area, from Burge End

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Further development of Pirton, either in immediate proximity to the Conservation Area, or some distance away, must be mindful of the Conservation Area's setting. Development which will alter entrances into the Conservation Area, for example, would change how it is understood and appreciated. Similarly, the construction of uncharacteristically tall buildings or a suburban block form on the edge of the village could detract from its character, appearance or overall aesthetic value.

Change will occur, and it is acknowledged that the setting of the Conservation Area has already been compromised in some areas, comparative to its appearance in other historical periods due to the construction of small estates both infilling sections of open land (such as Cromwell Way, Figure 81) and at the village edge. However, there is the opportunity to both enhance and preserve the setting of the Conservation Area through good design and appropriate mitigation.

Figure 80: Modern housing on Priors Hill

Figure 81: Cromwell Way, a late twentieth century development, is accessed off the High Street

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4. Opportunities for Enhancement

The following key issues have been identified and are summarised below in brief. The list is in no way exhaustive and neither are the issues identified unique to Pirton Conservation Area, with many being shared with other conservation areas.

4.1 Access and Integration

Pirton can be accessed through multiple routes, on foot or by vehicle. In many places entry to the Conservation Area is not discernible and better acknowledgment of the Conservation Area, either through signage, changes in streetscape features or markers would be beneficial. Interpretation boards and the creation of integrated approach, utilising uniform signage and specific lighting and paving throughout the Conservation Area, or Character Areas, would allow for improved public awareness.

4.2 Car Parking

Car parking can have an adverse effect on the character of a conservation area, impacting the street scene and how the area is experienced. Pirton contains some areas where parking is particularly an issue and presents an opportunity for enhancement, to rid congestion and improve the appearance of the area. Particularly on the southern section of the High Street and Great Green, there is a shortage of off-road parking and parking is predominantly on-street, and thus does little for the appearance of the Conservation Area.

Figure 82: Car parking on Great Green

Figure 83: Visible satellite dishes and disproportionate modern windows distract from the appearance of buildings which otherwise contribute positively to the Conservation Area

4.3 Inappropriate Modern Development

Throughout the Conservation Area are examples of inappropriate and unsympathetic additions which can make a cumulative negative impact on the area. The addition of uncharacteristic modern porches to residential units, the replacement of windows and doors, as well as the installation of unsympathetic additions to buildings such as air conditioning units, rooflights, extraction flues, and TV aerials and satellite dishes, harm the historic character and qualities of the area. In some cases, unsympathetic fixings can also affect the historic façade of buildings.

Maintenance, and the lack of it, can detract from the quality of the Conservation Area. In general, Pirton is well maintained however the risk of decay is most common on private dwellings, and there is scope for better engagement with landowners to improve the appearance of properties. Regular maintenance, including painting, cleaning and the

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clearance of vegetation should be promoted as a key component of preserving the quality of the Conservation Area.

4.4 Neutral Contributors

A significant proportion of buildings make a neutral contribution to the character and appearance of the conservation area. The dilution of positive buildings amongst those which are neutral leads to an underwhelming and indistinctive overall character.

4.5 Public Realm

Street Furniture (Lampposts, benches, signage, bins, bike stands, bollards etc.)

Street furniture throughout the Conservation Area is generally of an acceptable quality, although in some places generic in appearance and requiring maintenance. Streetlights are not common on the outer fringes of the Conservation Area and predominantly present in the core of the village, however they are particularly inconsistent in design and would be enhanced through replacement with traditional and consistent streetlights which respect the historic character of the area.

Traditionally styled directional signs, with pointed ends [Figure 86], reinforce the village's character. Replication of these signs throughout the Conservation Area should be considered in order to enhance the sense of place and character.

Figure 84: Street lamp requiring repainting, Little Green

Figure 86: Traditionally styled directional signs are positive reinforcement of Pirton's rural character

Figure 85: Cluttered street furniture at Little Green

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Hard Landscaping

While road surfacing is generally of a good quality, there are some areas that would benefit from consistent maintenance, removing pot holes and areas of erosion. Pavements are of varying quality throughout the Conservation Area, featuring a range of coping stones and edge treatments. Granite edge stones, where present are a positive reinforcement of the village's character, utilising a traditional material, however in some places these have been lost. Reinstatement of granite and the prevention of further removal or replacement with cement stones, is recommended. Therefore, great consideration should be taken by the Local Planning Authority for all new applications.

Open Spaces

The open and green spaces in the Conservation Area make a positive contribution and are integral to its character in many instances, defining road junctions and passing places. The long-term maintenance needs of these spaces should be considered and, where appropriate, opportunities taken to enhance them and ensure access is maintained through roadside pathways and public rights of way..

Trees and Planting

Appropriate levels of maintenance need to be ensured and, where required, opportunities for enhancement sought to maintain and manage the trees within the Conservation Area. There are opportunities to enhance the verdant appearance of the Conservation Area along periphery roads, reinforcing areas of hedgerow which feature gaps.

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5. Management Proposals

There are a wide range of issues facing the Pirton Conservation Area, many of which share common themes. This section seeks to recommend management proposals which could address these issues in both the short and long term.

The delivery of these management proposals provides the opportunity for partnership working with key organisations, the Parish Council, landowners and the local community and would be subject to available resources and funding arrangements.

5.1 Positive Management: Short term

The first set of proposals relate to positive management and focus on good practice and improved ways of working with the local planning authority. These are generally low cost and can be implemented within a short timeframe, typically within one to three years.

Enforcement

Where the necessary permission has not been sought for alterations, such as advertising signage and building alterations which are not contained within the General Permitted Development Order, the Local Planning Authority's powers of enforcement should be considered. This could assist in reinstating any lost character or architectural features whose loss may have a negative cumulative effect on the Conservation Area, as well as avoiding a precedence being set for similar, uncharacteristic works.

General Maintenance: Public Realm and Highways

Through the agreement of a standard good practice within the Conservation Area between relevant Local Authority teams and other landowners, long term goals can be set to promote good design within the public realm, such as avoiding excessive road markings or signage and agreeing a standard street furniture within Character Areas to ensure consistency over time as elements are introduced or replaced.

The existing swan necked lamps, where present, are a positive feature of the street scene and would benefit from a regular programme of maintenance. A survey of all lamps, noting their style and placement is recommended in order to inform a programme of renewal and repair.

Traffic signs within the Conservation Area would benefit from consolidation and re-assessment in places, as they add visual clutter to the street scene. Little Green, at the junction of the High Street, Walnut Tree Road and Royal Oak Lane [Figure 55], is an example of one area where signs have accumulated with little consideration of existing signage. Similarly, the range of bollards and posts used throughout the Conservation Area, whilst an important parking deterrent and preserver of grass verges, introduces a level of inconsistency and visual clutter which detract from the verdant quality of the Conservation Area.

Heritage Statements, Heritage Impact Assessments and Archaeological Assessments

In accordance with the NPPF (Para.194), applicants must describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

North Herts Council's requirements are as follows.

Heritage statements must be provided if the development effects a listed building.

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Design and Access statements need to be provided for:

- Major development
- One of more new houses within a conservation area
- Applications where floorspace created is more than 100m² and any part of the development is within a Conservation Area or Area of Outstanding Natural Beauty

Applications within the Conservation Area and immediate setting require an appropriately detailed Heritage Statement.

The key views analysed within this document are in no way exhaustive. The impact of any addition, alteration or removal of buildings, structures, trees or highways on key views should be considered to aid decision making. This includes development outside the conservation area. Where appropriate, views must be considered within Design and Access or Heritage Statements. This should be in accordance with Historic England's Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2017), which can be accessed here.

Local Heritage List

A Local List identifies buildings and structures of local architectural and/or historic interest, and these are considered to be 'non-designated heritage assets' under the provisions of the NPPF. Local Lists can be beneficial in ensuring the upkeep and maintenance of historic buildings that contribute to the character of the settlements. The exercise of creating a Register of Buildings of Local Interest would also facilitate a greater understanding of the area and could be utilised as a public engagement strategy to improve awareness and understanding.

Within this document, buildings of merit have been identified as non-designated heritage assets. within each Character Area. These identified buildings should form the basis of any local list, although a complete survey of the village, excluding buildings outside the Conservation Area, should be conducted.

Neutral Elements

The dilution of positive buildings amongst those which are neutral leads to an underwhelming and indistinctive overall character.

North Herts Council must not allow for the quality of design to be 'averaged down' by the neutral and negative elements of the built environment. Officers must where possible seek schemes which enhance the built environment and look to conserve and reinstate historic features. It is also considered that poor-quality or unsympathetic schemes should not be allowed, both within the Conservation Area and its setting.

Care should be taken to ensure that unsympathetic additions do not have an impact on views along historic streets and the character of groups of historic buildings is preserved. For example, where buildings form a distinct terrace or pair, consideration should be given to all replacement windows, doors or paintwork, to ensure the homogeneity and design of the group is not undermined by one particular stand-out, incongruous property.

The introduction of an inappropriate colour palette and low-quality modern materials (cementitious render and roof tiles, or uPVC windows, for example) is also a concern within the Conservation Area, particularly in residential areas which are vulnerable to a diminishment of quality through the replacement of windows, doors and roof cladding. By using a palette or modern material which is out of keeping with the area, buildings can be visually domineering within a streetscape, and therefore have a

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negative impact upon the character of the area.

There are examples of extensions to existing buildings within the Conservation area which have failed to adequately reference the prevailing character, be that through an inappropriate massing, height or material palette of the extension. Within residential areas in particular, the agglomeration of structures through additional side developments between detached properties can have a detrimental impact to the historic grain of the village, and our appreciation of its development. Pirton is a historic settlement and has been subject to a considerable degree of infilling and building on larger gardens and backland sites. It is considered that further development in this way would most likely harm the character of the Conservation Area. The more substantial domestic properties within the outer section of the Conservation Area are enhanced by the setting provided by their reasonable and proportioned gardens. Side extensions which remove gaps between buildings can have a crowding, urbanising effect and should be resisted.

Great consideration should be given to building heights of all modern structures, especially if seen from areas of particular importance, such as The Bury. Buildings that are visible from important areas or from some distance should also seek to use materials which are typical of that building type within the village. For example, render and brick are used for dwellings, whereas timber boarding, was historically reserved only for agricultural or ancillary structures (cart lodges etc).

Modern outbuildings, where permitted, should also be appropriately scaled, to relate well to the host dwellings. In some cases, this may mean a traditional roof pitch cannot be achieved, and a slacker pitch with a lower ridge height, would be more appropriate. On garages and single storey buildings in particular, a traditional roof pitch can make the roof scape of the building incredibly dominant, and careful consideration should be given to any outbuilding which has attic space.

Figure 87: Example of a terrace where the replacement of windows diminishes the group value of the houses

Figure 88: Poorly matched, bright modern brick, can contrast poorly next to original buildings if not well considered

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Backlands are important features of old town centres and villages, being part of the grain of the historic town plan and representing areas that had a service function in relation to the main street frontages. Those that survive in Pirton provide spaces useful for service areas and off-street parking. Similarly, the installation of unsympathetic and piecemeal boundary treatments can harm the immediate setting of historic buildings and spaces and the use of inappropriate railings, walls, and fences cause cumulative harm to the street scape and character of the area.

New Development

There are limited opportunities within Pirton Conservation Area and its setting for development which makes a positive contribution to the conservation area. This is due to the village's existing loose grain of development, which would be compromised by infill dwellings. Similarly, the creation of further development, such as cul-de-sacs or ribbon development, on the village fringes, would lessen its rural character and compromise how the surrounding landscape is experienced within the Conservation Area. To be successful, any future development needs to be mindful of the local character of Pirton Conservation Area, while at the same time addressing contemporary issues such as sustainability.

Pirton Neighbourhood Plan provides details and recommendations for new development. As part of this appraisal of the Conservation Area, the following recommendations are made.

Successful new development will:

- Relate to the geography and history of the place and the lie of the land,

- Sit happily in the pattern of existing development and routes through and around it (including public footpaths)

Figure 89: Poorly proportioned modern outbuildings detract from the appreciation of their host dwellings

Figure 90: An example of where recently altered dwellings are prominent due to their incongruous height and material choice

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- Respect important views,

- Respect the scale of neighbouring buildings,

- Use materials and building methods which as high in quality of those used in existing buildings, and

- Create new views and juxtapositions which add to the variety and texture of their setting.

North Herts Council should guide development in a positive manner by:

- Engaging with developers at an early stage through the Pre-Application Process to ensure modern development is high quality in design, detail and materials.

- Ensuring medium-large scale development schemes are referred to a CABE Design Review (or similar) to ensure that new buildings, additions and alterations are designed to be in sympathy with the established character of the area. The choice of materials and the detailed design of building features are important in making sure it's appropriate to a conservation area.

- Seeking opportunities for developers to make a positive contribution to the wider historic environment through Section 106 Agreements.

Public resources

The preservation and enhancement of private properties can be improved through the publishing of resources aimed to inform property owners and members of the public. An introductory summary of the Conservation Area Appraisal in the form of a leaflet or factsheet(s) is a simple way to communicate the significance of the area and ensure members of the public are aware of the implications of owning a property within a conservation area. In addition, a maintenance guide would assist property owners in caring for their property in an appropriate manner. A revised Good Practice Design Guide on standard alterations such as signage, shopfronts or advertisements, windows, doors, rainwater goods, boundaries and roof extensions will ensure inappropriate development does not continue to be the accepted norm.

- Provide guidance on appropriate design and materials for windows and doors and encouraging the retention or reinstatement of historic glazing patterns and door designs and the use of appropriate materials.

- Provide guidance on the traditional form of boundary treatments and encourage their reinstatement where they have been removed or compromised.

- Provide guidance on traditional roofing materials and encouraging the reinstatement of good quality slate and the removal of unsympathetic modern materials such as interlocking concrete tiles.

- Provide and update guidance relating to signage. This should address appropriate size and design, the extent and amount and associated lighting. All further planning applications and advert consent applications should be required to comply, where possible, with this standard, designed to help to restore the character and appearance of the Conservation Area.

Poor maintenance leads to the deterioration of the fabric of the built environment and results in a loss of architectural details. Improved awareness of simple maintenance and repair would be conducive with the preservation of Pirton's built heritage. At present there is a range of interpretation (information boards, signage, webpages) within the Conservation Area and relating to the Conservation Area, aimed at improving understanding and awareness. These must continue to be maintained and updated where appropriate to ensure awareness and

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reinforce the identity of Pirton as a historic settlement.

Tree Management

In line with the Town and Country Planning Act, all trees in Conservation Areas are afforded the same protection as a Tree Preservation Order. Trees which have a trunk diameter of more than 75mm, at a height of 1.5m from the ground, may not be felled or lopped unless six weeks written notice has been given to the Council. Six weeks notice has to be given to the council under S211 of the Act.

It is also considered that any prominent trees, street trees, and trees with amenity value on private land throughout the Conservation Area should be monitored and maintained appropriately. Any tree that makes a positive contribution to the area should be retained, maintained and, if felled (only if dead, dying or dangerous) replaced with an appropriate new tree.

Twentieth Century Buildings

There are some twentieth century buildings which make a neutral or negative impact on the character of the Conservation Area. There is scope to enhance these sites and buildings through a considered design approach which can guide future improvements. Should opportunities for redevelopment arise in the future, high quality design should be pursued and encouraged through design guidance.

5.2 Positive Management: Longer Term

The second set of proposals are also focussed on positive management but either take longer to implement or are better suited to a longer time frame.

Access and Integration

The Conservation Area is easily accessed by bus, foot and vehicle. Further promotion of the village's footpaths, bolstering work already conducted by Pirton Parish Council would allow for a renewed level of engagement between visitors and residents to the village.

Toot Hill/The Bury scheduled monument is an integral part of the village's history yet lacks opportunities for engagement. The introduction of interpretation boards within the monument, explaining the earthworks and highlighting their importance should be considered. Careful consideration must, nevertheless, be given to where these are placed and what information they give. The security of the archaeological remains should not be compromised through the introduction of such elements.

Car Parking

This should begin with a car parking survey to establish the need for car parking. Once the level of necessary car parking has been established a landscape strategy should be created by North Herts District Council in conjunction with local stakeholders.

Additional hard landscaping could have a particularly harmful impact on the character of the Conservation Area, adding an urban quality at odds with Pirton's overall character. Where areas of private front gardens have been paved over, this is often in a piecemeal approach and inconsistent with neighbouring properties and adjoining paving. Parameters should be set for all such changes in the Conservation Area as part of an up to date design guide, reinforced by an agreed assessment of planning applications by the Local Planning Authority. Planning applications for additional hardstanding which removes sections of hedgerow should only be permitted in exceptional circumstances, with great care and consideration given to all new materials such as paving. Consideration of

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an Article 4 direction which limits permitted development rights in relation to driveways should also be considered if the issue of hardstanding becomes more pressing

Character Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan should be reviewed from time to time to monitor change and inform management proposals.

Conservation Area Boundary

The Conservation Area boundary has been revised within this appraisal in accordance with the NPPF (2019) and Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management (2018). The boundary is proposed to excludes areas which are deemed to not reflect the historic and architectural qualities for which the Conservation Area was designated and includes sections of housing from the later nineteenth and early to mid-twentieth century which are indicative of the period in which they were built, offering an understanding of the village's development in its more recent history. The boundary should continue to be assessed as part of future reviews of the Management Plan to ensure it is robust and adequately protects the significance of the area.

Interpretation: Improved Understanding and Awareness

At present there are scattered examples of interpretation boards and signs within the Conservation Area aimed at improving understanding and awareness. These are primarily ecology based and offer little about the history of the Conservation Area or wider village. Updating, upkeeping and enlarging their reach would be an effective way to improve the awareness of Pirton Conservation Area's significance.

Figure 91: Car parking strategies should consider where within the village there may be places for off road parking

The creation of an advertised, easily accessible heritage trail, unification of signage across the Conservation Area and introduction of additional interpretation boards would be beneficial., particularly in aiding understanding of the village's scheduled monuments.

Opportunity Sites

There are some opportunity sites across the Conservation Area which, if sensitively redeveloped, may enhance the character and appearance of the Conservation Area. Sites which may provide opportunity for enhancement include those where premises or buildings are empty, back land areas or corner plots.

The Council should consider utilising existing powers to intervene where

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any building has been vacant for over six months so that it does not detract from the area's character and appearance. Small grant funding schemes would also provide an incentive to encourage private property owners to carry out works to enhance their property and thereby the wider Conservation Area.

Public Realm

The first opportunity to enhance the character and appearance of the conservation area is through investment to improve the wider public realm. This can be achieved through continuing to improve and rationalise existing street furniture.

Consistent maintenance of areas of public space, through weeding, planting, the renewal or introduction of additional benches and the maintenance of existing features through the creation of an integrated management plan, combined with developer, landowners and the local authority would be of benefit.

5.3 Funding Opportunities

There are three main funding opportunities which would assist in the execution of these plans:

National Heritage Lottery Fund

The National Heritage Lottery Fund is the single largest dedicated funder of heritage in the UK and therefore is the most obvious potential source of funding. Funding is often targeted at schemes which preserve, enhance and better reveal the special interest of the area whilst also improving public awareness and understanding. Grant opportunities and requirements change overtime, for up-to-date information on NHLF

Figure 92: Ecological interpretation board, the pond, Pirton

schemes North Herts Council should consult their appointed Heritage Specialist.

Section 106 Agreements

Planning obligations, also known as Section 106 agreements, can be used by the local authority to ensure any future development has a positive impact upon the Conservation Area. These agreements could be used to fund public realm or site-specific improvements.

Partnership Schemes in Conservation Areas (Historic England)

Partnership Schemes in Conservation Areas is a programme run by

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Historic England to target funding for the preservation and enhancement of conservation areas. As the name suggests, the scheme forms partnerships with local authorities (along with any additional funding partners) to facilitate the regeneration of an area through the conservation of its built heritage. The scheme makes funds available to individuals to enable them to carry out repairs or improvement works to their property to enhance the area. This would be suitable to preserve and enhance the architectural detailing throughout the Conservation Area.

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6. Appendices

6.1 Bibliography

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6.2 Legislation, Policy and Guidance

LEGISLATION/POLICY/GUIDANCE	DOCUMENT	SECTION/POLICY
Primary Legislation	Planning (Listed Buildings and Conservation Areas) Act 1990	66: General duty as respects listed buildings in exercise of planning functions. 72: General duty as respects conservation areas in exercise of planning functions.
National Planning Policy	Ministry of Housing, Communities & Local Government. *National Planning Policy Framework.* London: UK Government, 2021.	Section 16; Annex 2
National Guidance	Ministry of Housing, Communities & Local Government. *National Planning Practice Guidance.* London: UK Government,2014.	ID: 18a
National Guidance	Historic England, *Conservation Area Appraisal, Designation and Management Historic England Advice Note 1.* Second Edition. Swindon: Historic England, 2019.	

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National Guidance	Historic England, T*he Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3.* Second Edition. Swindon: Historic England, 2017.	
Local Supplementary Planning Document	Ashwell Parish Council	Ashwell Neighbourhood Plan 2021
Local Supplementary Planning Document	Wood Environment and Infrastructure Solutions UK Limited, on behalf of North Hertfordshire District Council.	Ashwell Conservation Area Character Statement, 2019

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6.3 List of all Designated Heritage Assets within the Conservation Area

List Entry Number	Address	Grade
1347109	Crabtree House	II
1103187	Ivy Cottage	II
1308350	Elm Tree Farmhouse	II
1175488	Pirton Methodist Church	II
1103193	20, High Street	II
1347112	Orchard Cottage	II
1175517	14, Royal Oak Lane	II*
1295388	Farm Building at Entrance to Yard at Hammond's Farm	II
1308247	23-25, Walnut Tree Road	II
1103184	North Barn at Hammond's Farm	II
1347095	Lavender Cottage	II
1175626	Farmbuildings Fronting Road at Walnut Tree Farm	II
1103190	South-East Barn at No 1 (Elm Tree Farm)	II
1250685	Farm Building to The North West of Burge End Farmhouse	II
1347107	Outhouse 10 Metres to North of House at Hammond's Farm	II
1103162	South-East Barn at Walnut Tree Farm	II*
1103185	Three Gables	II

List Entry Number	Address	Grade
1295337	5, Crabtree Lane	II
1103191	31, High Street	I
1347110	Church Of St Mary (C Of E)	II
1175262	Burge End Farmhouse	II
1103188	The Cottage Tudor Cottage	II
1430264	Pirton War Memorial	II
1175526	Barn At Number 28	II
1103194	19-21, Royal Oak Lane	II
1103159	Dovecote, Stable and Granary at Rectory Farm	II
1175469	17, High Street	II
1103189	16, Great Green	II
1175478	The Fox Inn	II
1295369	Elm Cottage	II
1308280	Cartshed Next Entrance to Forecourt at Rectory Farmhouse	II
1175604	7, Walnut Tree Road	II
1103186	4-6, Bury End	II
1347076	41-45, High Street	II
1103157	28, Shillington Road	II

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List Entry Number	Address	Grade
1295393	7-13, Bury End	II
1295356	8, Great Green	II
1347094	South Barn and Adjoining Stable at Rectory Farm	II
1347077	Primrose Cottage	II*
1103158	The Rectory Farmhouse	II
1466237	Barn At Wright's Farm	II*
1175545	West Barn at Rectory Farm	II*
1175235	Hammond's Farmhouse	II
1347108	Ashburn	II
1308341	14, Great Green	II
1175493	Docwra Manor	II
1347097	4-6, Walnut Tree Road	II
1103161	Walnut Tree Farmhouse	II
1103192	Cromwell Cottage	II
1347111	Sawford Cottage	II
1295373	1 And 3, Crabtree Lane	N/A
1012325	Toot Hill Motte and Bailey Castle and Shrunken Medieval Village at Pirton	N/A
1434415	Anglo-Saxon Settlement, And Probable Prehistoric Ring Ditches, West of Pirton Village	N/A
1009451	Moated Site and Associated Enclosure at Rectory Farm	N/A

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6.4 Glossary

Bargeboard - A board fastened to the projecting gables of a roof.

Bay window - Window of one or more storeys projecting from the face of a building.

Capital - The topmost member of a column (or pilaster).

Casement window - Window hung vertically, hinged one side, so that it swings inward or outward.

Coping - The capping or covering of a wall.

Cornice - Upper section of an entablature, a projecting shelf along the top of a wall often supported by brackets or corbels.

Cross-wing - Wing attached to a main or original house block, its axis at right angles to the original block, and often gabled.

Domesday Book – survey conducted in 1086 following the Norman Conquest, detailing towns and parishes within England.

Dormer - A structural element protruding from the plane of a sloping roof surface. Dormers are used to create usable space in the roof by adding headroom and usually also by enabling addition of windows.

Façade - An exterior side of a building, usually the front.

Gable - A triangular portion of an end wall between the edges of a sloping roof.

Henge Monument - A prehistoric circular or oval earthen enclosure, dating from around 3000 BC to 2000 BC.

Hip roof - A type of roof where all sides slope downwards from the ridge to the eaves.

Holloway – lane or road, marked in the ground by raised banks either side

Jettying - A building technique used in medieval timber frame buildings in which an upper floor projects beyond the dimensions of the floor below.

Parapet - A low wall built up above the level of a roof, to hide the roof or to provide protection against falling.

Sash - The horizontal and vertical frame that encloses the glazing of a window. A sash may be fixed or operable and may be of several different types depending on operation.

Sherd – a shard or piece of pottery

Univallate Hillfort - A defended enclosure common in the later Bronze Age and Iron Age of northwest Europe, bounded by a single line of ramparts, often with strengthened defences around the entrance.

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6.5 Links

All hyperlinks included within the text of this document are reproduced in full below.

Historic England's Guidance on conservation area designation:

https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/

Details on Historic England's At Risk register:

https://historicengland.org.uk/advice/heritage-at-risk/search-register/

North Herts Council's Consrvation Areas:

https://www.north-herts.gov.uk/conservation-areas

North Herts Council's Planning Team:

https://www.north-herts.gov.uk/neighbourhood-planning

Historic England's guide to tree preservation orders:

https://historicengland.org.uk/advice/planning/consents/tree

Historic England's guide to Article 4 directions:

https://historicengland.org.uk/advice/hpg/historic-environment/article4directions

Historic England's Guide to conservation areas (webpage):

https://historicengland.org.uk/advice/hpg/has/conservation-areas/

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CABINET
21 June 2022

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: REVENUE BUDGET OUTTURN 2021/22

REPORT OF: THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: EXECUTIVE MEMBER FOR FINANCE AND IT

COUNCIL PRIORITY: BE A MORE WELCOMING, INCLUSIVE AND EFFICIENT COUNCIL

1. EXECUTIVE SUMMARY

1.1. The purpose of this report is to inform Cabinet of the summary position on revenue income and expenditure as at the end of the financial year 2021/22. The net outturn of £16.892m represents a £592k decrease from the working budget of £17.484million. The significant variances are detailed and explained in table 4. There are corresponding requests to carry forward £172k (of underspends) to fund specific projects that will now take place in 2022/23. There is a further forecast impact on the 2022/23 base budget of a £7k increase.

2. RECOMMENDATIONS

2.1. That Cabinet note this report.

2.2. That Cabinet approves a decrease of £592k in the 2021/22 net General Fund expenditure, as identified in table 4 and paragraph 8.1, to a total of £16.892million.

2.3. That Cabinet approves the changes to the 2022/23 General Fund budget, as identified in table 4 and paragraph 8.3, a total £179k increase in net expenditure.

That Cabinet recommends to Council

2.4. That Council approves the net transfer from earmarked reserves, as identified in table 9, of £8.123million.

3. REASONS FOR RECOMMENDATIONS

3.1. Members are able to monitor, make adjustments within the overall budgetary framework and request appropriate action of Services who do not meet the budget targets set as part of the Corporate Business Planning process.

3.2. Changes to the Council's balances are monitored and approved.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. Budget holders have considered the options to manage within the existing budget but consider the variances reported here necessary and appropriate.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. Consultation on the budget monitoring report is not required. Members will be aware that there is wider consultation on budget estimates during the corporate business planning process each year.

6. FORWARD PLAN

6.1. The report contains a recommendation on a key decision that was first notified to the public in the Forward Plan on the 9th May 2022.

7. BACKGROUND

7.1. Council approved the revenue budget for 2021/22 of £18.441million in February 2021. At the end of the financial year the working budget has decreased to £17.484million. Table 1 below details the approved changes to this budget to get to the current working budget:

Table 1 - Current Working Budget

	£k
Original Revenue Budget for 2021/22 approved by Full Council	18,441
Quarter 3 2020/21 Revenue Budget Monitoring report – 2021/22 budget changes approved by Cabinet (March 2021)	(17)
2020/21 Revenue Budget Outturn Report – 2021/22 budget changes approved by Cabinet (June 2021)	377
Quarter 1 2021/22 Revenue Monitoring report - 2021/22 variances approved by Cabinet (September 2021)	560
Quarter 2 2021/22 Revenue Monitoring report - 2021/22 variances approved by Cabinet (December 2021)	(1,256)
Month 8 revenue monitoring included within 2022/23 budget report – 2021/22 variances approved by Cabinet (January 2022)	(111)
Quarter 3 2021/22 Revenue Monitoring report - 2021/22 variances approved by Cabinet (March 2022)	(510)
Current Working Budget	**17,484**

7.2. The Council is managed under Service Directorates. Table 2 below confirms the current net direct resource allocation of each Service Directorate and how this has changed from the original net direct budget allocations for 2021/22.

Table 2 – 2021/22 Service Directorate Budget Allocations

	Managing Director	Commercial	Customers	Legal & Community	Place	Regulatory Services	Resources	**Total**
	£k	£k	£k	£k	£k	£k	£k	£k
Original Budget	**1,910**	**(285)**	**3,831**	**2,201**	**6,980**	**1,187**	**2,617**	**18,441**
Q3 2020/21	0	6	0	38	(81)	20	0	**(17)**
Outturn 2020/21	324	12	45	4	(8)	0	0	**377**
Q1 2021/22	96	27	162	11	144	131	(11)	**560**
Q2 2021/22	11	(64)	(281)	(107)	(1,263)	460	(12)	**(1,256)**
Month 8 2021/22	0	42	39	(19)	(59)	(114)	0	**(111)**
Q3 2021/22	(120)	32	50	(35)	(133)	(218)	(86)	**(510)**
Other Changes	(279)	76	26	76	327	(10)	(216)	**0**
Current Budget	**1,942**	**(154)**	**3,872**	**2,269**	**5,907**	**1,456**	**2,292**	**17,484**

8. RELEVANT CONSIDERATIONS

8.1. Cabinet are asked to approve the net expenditure on the General Fund in 2021/22 of £16.892 million (recommendation 2.2). This is a net decrease of £592k on the working budget of £17.484million. Table 3 below confirms the net expenditure for each Service Directorate and the variance with the current working budget. The major changes reported during the year are recorded at Appendix A.

Table 3 – 2021/22 Revenue Outturn by Service Directorate

Directorate	Net Direct Working Budget	Net Direct Outturn*	(Under) / Overspend
Managing Director	2,039	1,806	(233)
Commercialisation Directorate	(154)	(132)	22
Customers Directorate	3,872	3,875	3
Legal & Community Directorate	2,169	2,155	(14)
Place Directorate	5,810	5,587	(223)
Regulatory Services Directorate	1,456	1,346	(110)
Resources Directorate	2,292	2,255	(37)
TOTAL	**17,484**	**16,892**	**(592)**

* Directorate outturn totals exclude year-end finance lease accounting entries. These entries have a net zero impact on the Council's General Fund but their inclusion would distort the Directorate performance indicated in the table.

8.2. Table 4 below highlights and explains the most significant variances, which are generally more than £25k. The final columns detail if there is expected to be an impact on next year's (2022/23) budget:

Table 4 - Summary of significant variances

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Managing Director Unallocated Income Receipts	0	(30)	(30)	Outturn represents income received in the Council's bank account in 2019/20 and 2020/21 where it has since not been possible to allocate the funds due to there being no reference or details. Should a business or individual come forward with evidence of payment at some point in the future, the income receipt will be reallocated accordingly.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Managing Director Apprenticeship Scheme	115	0	(115)	This year there were a couple of apprentices who left the council before the end of their apprenticeships. There have also been some delays in advertising placements due to investigating new, more specialist, apprenticeship course options available to better match service area requirements. The time lapse between the allocation of placements to service areas and the appointment of successful applicants is now being tracked to allow for better planning. The number of apprenticeship placements has temporarily been increased to make best use of this underspend and therefore it is requested that the unspent budget is carried forward to finance these placements in the next financial year.	115	0
Managing Director NHC Website Development	65	14	(51)	The estimated investment required for the rebuild of the website, as approved by Council in February 2021, was based on some initial soft market testing, with the tender process at that point still to take place. The outcome of the procurement exercise was a significant reduction in the resource required to deliver the project.	0	0
Managing Director District Wide Survey Consultants Costs	18	4	(14)	The appointed consultants are behind schedule in conducting the survey, primarily due to sickness absence within their team. As at the end of March, 149 interviews had been completed, with at least another 100 to capture. A carry forward of the unspent budget is requested to fund the work undertaken by the consultants in the next financial year to complete the survey.	14	0
Customers Directorate Staffing Costs	5,017	4,984	(33)	Underspend is mainly due to the vacant Senior Benefits Officer post, which has subsequently been deleted in 2022/23 as per the efficiency proposal approved by Council in February.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Customers Directorate Outbound Mail Contract	130	173	+43	As reported to Cabinet at Q1 20/21, the renegotiation of the contract effective from August 2020 enabled the Council to realise further ongoing savings to the annual budget of approximately £50k from lower than originally estimated volumes of outbound post being processed by the contractor. Volumes have however subsequently risen across a range of services, most notably Elections, Careline and Income Recovery, with Covid-19 contributing to the increase. The Council is seeking to reduce its postal spend by making greater use of email, text alerts and online self-service, with a working group set up to maintain the focus on reducing postage spend. It is however anticipated that volumes in 2022/23 will be at a similar level to the current year.	0	52
Customers Directorate Contribution to Sales Ledger Bad Debt Provision	70	106	+36	Increase in contribution to the bad debt provision is primarily due to several ageing commercial rents debts. As the debts age, it is considered less likely that the debt will be recovered in full and hence provision is made for a greater proportion of the debt outstanding. The government introduced restrictions in the recovery of commercial debt to help businesses struggling due to the pandemic.	0	0
Customers Directorate Court Fees Refund	0	(40)	(40)	The Ministry of Justice (MOJ) announced in 2018 that, following an administrative error, Councils had been overcharged for certain court fees between 1st April 2014 and 21st July 2018. Councils had been charged £3.00 for a Council Tax Liability Order application, when this fee should instead have been set to £0.50 to reflect the actual costs incurred. For North Herts Council this has amounted to an eligible compensation amount of £39,580. The refund was received from the MOJ in March.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Customers Directorate Covid-19 Business Support Grant Payments	0	39	+39	It was identified last year that £49k of Covid-19 grant payments had been paid incorrectly, due to either businesses providing the wrong bank details or input error. Specialist software was consequently put in place for future rounds of grants, offering the facility to check that account names matched with the bank details provided on the application. £10k has since been returned to North Herts, leaving £39k outstanding. The relevant details have been shared with the Hertfordshire Shared Anti-Fraud Service to try and recover the funds but, as the payments were made approximately two years ago, it is considered highly unlikely that the amounts will be retrieved.	0	0
Customers Directorate New Burdens Grant Income for administration of self-isolation payments	(26)	(158)	(132)	As this scheme was generally delivered using existing staff and technology, the administrative burden of processing self-isolation payments did not result in significant additional costs. The variance therefore reflects the unspent grant income.	0	0
Customers Directorate Net Housing Benefit Expenditure	411	568	+157	Increase in net expenditure is due to an increase in the level of benefit overpayments identified in 2021/22 (as highlighted below). Overpaid amounts are eligible for only 40% reimbursement by government through Housing Benefit subsidy.	0	0
Customers Directorate Housing Benefit Overpayments Income	(325)	(359)	(34)	The increase in overpayments income raised in 2021/22 follows claimant reviews in the year undertaken by both the Council and the Department for Work and Pensions (DWP). The expectation however remains that the level of overpayments income will shrink in future years as working age housing benefit clients migrate to the Universal Credit scheme administered by the DWP.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Customers Directorate Housing Benefit Overpayments Income – Contribution to Bad Debt Provision	0	35	+35	The outturn of £35k represents a significant reduction on the original budget expectation of £300k and the prior year outturn of £218k. At Quarter Two the working budget was reduced to zero, based on the much lower level of overpayments raised in 2020/21 relative to the years prior and the impact of this on the calculated provision required, as detailed and explained in the Quarter Two monitoring report. The variance at the end of the year is due to the ageing of debt in the final quarter, with outstanding debt relating to income raised towards the end of 2020/21 eligible to be included in the provision calculation as it reached 12 months old.	0	0
Place Directorate Waste Awareness Expenditure (AFM Funded)	111	24	(87)	This budget is used for improving communication and engaging with residents on waste related matters with the aim of improving recycling performance and our environment. The planned programme of events and activities has been limited due to Covid, while a proportion of the budget earmarked for additional staffing was instead funded from vacancies in the staffing budget. With AFM income receipts expected to reduce in the coming years, it is requested that the unspent budget is transferred to the Waste Earmarked Reserve.	0	0
Place Directorate Garden Waste Collection Service Subscription Income	(1,156)	(1,201)	(45)	Overachievement of the income budget reflects the continued high level of demand for the service, with a greater number of households than expected signing up to the service midway through the twelve-month subscription period.	0	(45)
Place Directorate Commingled Recycling – Haulage and Processing Costs	381	138	(243)	Amounts charged by the contractor for haulage and processing are net of income generated from the sale of the recycled materials collected. The underspend variance is a result of the higher prices achieved in recent months from the sale of the materials collected.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Place Directorate Leisure Centre management – additional finance support to Stevenage Leisure Limited (SLL)	5	(41)	(46)	The contribution from SLL is indicative of the continued recovery in activity at the Leisure Centres, with actual usage in quarter four exceeding the recovery target for the quarter. The original budget assumed net payments to SLL of £1.18m, as part of the additional £2m financial support approved by Council in January 2021 to keep the Leisure Centres open. The outturn therefore represents a financial loss to the Council in this year of £776k, when compared to the management contract fee income of £817k anticipated in budget estimates prior to the Covid-19 pandemic.	0	0
Place Directorate Hitchin and Royston Gym Equipment Loan to SLL – Contribution to Impairment Allowance	0	158	+158	In August 2017 Council approved a loan of £510k to SLL for the purchase of gym and fitness equipment at Hitchin and Royston Leisure Centres. The loan principal was originally scheduled to be fully repaid by the end of March 2023, but repayments ceased at the onset of the Covid-19 related restrictions on leisure centre operations. Given the extended period of recovery anticipated for leisure centres, it is not certain when the loan repayments will resume. The contribution to the impairment allowance, equivalent to 50% of the loan principal outstanding, recognises this uncertainty in the Council's accounts.	0	0
Regulatory Services Directorate Welcome Back Fund Grant Income	(156)	(129)	+27	The Council has provided funding through the Welcome Back Fund to help attract visitors to our Town Centres through promotions and making them more attractive. The funding has also been used to develop plans for the further recovery of the Town Centres. This should have all been funded by Government through European Regional Development funding. As this was EU funding it had a requirement that all funding had to be physically paid by 31st March 2022. This payment deadline was missed on some payments, which resulted in a net shortfall of £27k, as there had not been a notification that the payment terms for the suppliers needed to be overridden. These costs can therefore not be reclaimed and will have to be met from General Fund reserves. It is unlikely that there will be future funding with such conditions, as this was a specific EU funding requirement. The general rule for Government funding is that the costs must be incurred in the correct year, but there is no requirement around when actual payment is made	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Regulatory Services Directorate Traffic Regulation Orders	15	4	(11)	The Royston Parking review was not concluded by the end of March 2022 due to the need to undertake a further round of public consultation in December 2021/January 2022 on a revised scheme, and the subsequent time required to analyse the responses and assess the outputs. A carry forward is requested of the unspent budget to fund the completion of this project in the next financial year.	11	0
Regulatory Services Directorate On Street Parking Lines & Signs	43	33	(10)	Contractors were approached and quotations sought in respect of several projects, including lining work in Knebworth and replacement of street name plates, that were due to be completed in 2021/22. It is requested that the unspent budget is carried forward to fund the delivery of these works in the next financial year.	10	0
Regulatory Services Directorate Car Park Season Ticket Income	(165)	(132)	+33	While income from season ticket sales was more than 50% higher than the total achieved in 20/21, it still represents less than half that achieved in the years prior to the Covid-19 pandemic. The slow recovery has been recognised in the budget for 2022/23, with the central Covid-19 contingency budget providing for an underachievement of £120k, equivalent to 40% of the normal (pre-Covid) budget.	0	0
Regulatory Services Directorate Electric Vehicle Charging Strategy	11	0	(11)	Work was due to commence this year on the Ecostars scheme, which is a scheme to help fleet vehicle operators reduce fuel consumption and reduce vehicle emissions by switching to electric vehicles. Due to Covid-19 and the related restrictions in having face to face meetings, work has only just started on this scheme. It is therefore requested to carry forward the remaining £10,500 to continue the project in 2022/23.	11	0
Regulatory Services Directorate Homelessness Grant Income	(713)	(769)	(56)	Rough Sleeper Initiative funding received in the final quarter of 2021/22 was £56k more than anticipated in the working budget. It is recommended that this amount is transferred to the Homelessness reserve to finance service pressures in future years.	0	0

Service Directorate & Budget Area	Working Budget £k	Outturn £k	Variance £k	Reason for difference	Carry Forward Request £k	Estimated Impact on 2022/23 £k
Regulatory Services Directorate Housing Stock Condition Survey	20	0	(20)	This project was earmarked to commence in 2021/22 but has been delayed in finalising procurement arrangements. It is expected that this will now be completed in the first 6 months of the financial year 2022/23 and therefore a carry-forward of the unspent budget in the current year is requested to fund the delivery of the survey in 22/23.	20	0
Regulatory Services Directorate Planning Application Income	(853)	(915)	(62)	The overachievement of planning income is due to the receipt of unexpected applications for solar farms. It is requested that the income surplus achieved is transferred to the Housing and Planning Delivery reserve to mitigate the financial impact of Local Plan adoption costs in 22/23.	0	0
Total of explained variances	**3,018**	**2,506**	**(512)**		**181**	**7**
Other minor balances	14,466	14,386	(80)		(9)	0
Overall Total	**17,484**	**16,892**	**(592)**		**172**	**7**

8.3. Cabinet are asked to approve the estimated impact on the 2022/23 budget, an overall increase in budget of £179k, which comprises;

- £172k of budget carry-forwards from 2021/22 to 2022/23 for projects that were not completed by the end of the financial year. These are shown in the penultimate column of table 4 above. This will take the total carry-forward to £712k, after including those reported and approved at quarter 1, quarter 2, month 8 and quarter 3.
- £7k increase in budget to reflect the estimated net impact in 2022/23 and beyond of variances identified at Outturn. These are shown in the final column of table 4 above.

8.4. The original approved budget for 2021/22 included efficiencies totalling £286k, which were agreed by Council in February 2021. At the end of the year a net total of £286k of efficiencies have been achieved in 2021/22, as was forecast at Quarter Three.

8.5. At the start of the financial year, the working budget for 2021/22 included budgets totalling £719k that were carried forward from the previous year. These are generally carried forward so that they can be spent for a particular purpose that had been due to happen in 2020/21 but was delayed into 2021/22. At Quarter Three it was forecast that £318k of the total carried forward would not be spent in 2021/22. At the end of the year, a total of £390k has not been spent in 2021/22, all of which has either been requested to be carried forward again into 2022/23 or the unspent budget has been requested to be transferred to an earmarked reserve. The increase in the final quarter relates to the Housing Stock Condition Survey and the AFM-funded expenditure budget for waste minimisation and awareness initiatives, as itemised and explained in table 4 above.

8.6. There are 4 key corporate 'financial health' indicators identified in relation to key sources of income for the Council. Table 5 below shows the performance for the year. A comparison is made to the original budget to give the complete picture for the year. Each indicator is given a status of red, amber or green. A green indicator means that income recorded matched or exceeded the budgeted level of income. A red indicator means that the outturn has not met the budgeted level of income. An amber indicator is only used during the year to highlight that there is a risk that the budgeted level of income may not be met.

8.7. At the end of the year, three of the indicators are red and one indicator is green. The summary indicators are therefore unchanged from that reported at Quarter Three. While the position in respect of planning application fees and car parking fees income did improve marginally during the final quarter, the totals achieved still represented a shortfall against the original budget expectation.

Table 5 - Corporate financial health indicators

Indicator	Status	Original Budget £k	Outturn £k	Variance £k
Planning Application Fees (including fees for pre-application advice)	Red	(953)	(915)	38
Land Charges	Red	(164)	(154)	10
Car Parking Fees	Red	(1,975)	(1,607)	368
Parking Penalty Charge Notices	Green	(573)	(582)	(9)

FUNDING, RISK AND GENERAL FUND BALANCE

8.8. The Council's revenue budget is funded primarily from Council Tax and Retained Business Rates income. The Council was notified by Central Government in February 2021 of the amount of New Homes Bonus, Lower Tier Services Grant, and Covid-19 Emergency Grant Funding it could also expect to receive in 2021/22 and planned accordingly.

8.9. Council Tax and Business Rates are accounted for in the Collection Fund rather than directly in our accounts, as we also collect them on behalf of other bodies. Each organisation has a share of the balance on the Collection Fund account. In 2021/22 the Council has made a contribution from the General Fund of £77k to the Council Tax Collection Fund and £7.9m to the Business Rates Collection Fund. These amounts follow from the estimated deficits for 2020/21 declared to government in January 2021. As initially highlighted in the 2021/22 Revenue Budget Report, government legislation introduced in response to the impact of the Covid-19 pandemic on local government finances required the repayment of the estimated 20/21 Collection Fund deficits (after adjusting for certain elements), as estimated in January 2021, to be spread in equal instalments over the following three financial years.

8.10. An overall deficit of £62k has been recorded on the Council Tax Collection Fund at the end of the year, an increase of £6k on the forecast deficit of £56k estimated in January 2022. £54k of this deficit total is the spreading amount of the deficit for 2020/21, as estimated in January 2021, and will be charged in 2023/24 accordingly. A contribution from the General Fund of £2k will be required in 2022/23, as was explained in the Quarter Three Revenue Monitoring Report. The £6k deterioration in the position in the final quarter of 2021/22 will be incorporated in the calculation of the surplus/deficit position for 2022/23 and hence impact the level of Council Tax funding available in 2023/24.

8.11. At the time of writing this report the position on the Business Rates Collection Fund has not been finalised, with the declaration to government via the NNDR3 return not yet prepared and submitted. Initial calculations indicate a total deficit at the end of the year of around £5.5m. This represents a marginal improvement in the position detailed at Quarter Three, and as declared in the NNDR1 return submitted to Central Government in January 2022, where the forecast for 2021/22 was a total deficit of £5.76million. The total deficit includes the third and final 2020/21 deficit spreading amount of £416k that will be included in the surplus/deficit calculation for 2022/23 and repaid in 2023/24. The movement in the deficit position for 2021/22 in the final quarter of the year will not change the £5.344million contribution required in the next financial year and will instead impact the funding position for 2023/24.

8.12. The Council receives compensation in the form of a grant from Central Government for business rate reliefs introduced, which goes into our funds rather than the Collection Fund. the Council has received a grant allocation of £1.794m for non-Covid related reliefs in 2021/22, which includes an estimated amount of £142k received as compensation for the Government's decision to freeze the business rates multiplier for 2021/22, as well as expecting to retain a further £3.4m of s31 grants received as compensation for temporary rate reliefs introduced by government in response to the Covid-19 pandemic. The multiplier compensation is included in the funding total in table 7 below. The rest of the grant received will be held in reserve to fund the repayment of business rate collection fund deficits recorded. Some of the amount held in reserve has therefore been used to fund the £7.9m deficit repayment required in this year. A further £3m of the grant receivable is also expected to be applied in 2021/22 to ensure the level of business rates funding retained in the General Fund for 2021/22 matches the position declared to government in the NNDR1 return for 2021/22, submitted in January 2021, as required by statute.

8.13. The Council may also be eligible to retain further section 31 grant funding relating to the impact of the Covid-19 Additional Relief Fund (CARF). The Council has received a cash receipt of £2.6m from government to facilitate the scheme, the cost of which will be dependent on the level of applications received from local businesses. Reliefs awarded through the fund will result in a corresponding equivalent increase in the reported business rates collection fund deficit and hence, other than cashflow timings, there is a net nil effect on the Council's financial position. At the time of writing only 16 applications have been received and the value of these has not yet been established. Given therefore the likely low value of the amounts involved, at this stage the assumption in the calculated deficit for 2021/22 noted above is that the entire cash receipt will be returned to government next year, though this may change once the applications have been reviewed and the scheme is administered in the coming months.

8.14. The Council is also subject to a business rates levy from Central Government as we collect more in business rates than the baseline need determined by Central Government. In 2021/22 the Council was a member of the Hertfordshire Business Rates Pool with five other Hertfordshire Local Authorities. The Pool was formed with the expectation that this should reduce the business rates levy amount otherwise payable at the end of the year. In 2020/21 the Council benefited from a 'pooling gain' (reduction to levy contribution) of £54k. There are however a range of potential outcomes for the current year, with the final outcome depending on the actual level of rates collected by both North Herts as well as the other collection authorities in the Pool. At the time of writing Hertfordshire County Council, the Pool lead authority, has not yet notified NHDC of the final outcome for 2021/22. In any case, the contribution required to the Pool to meet the total levy payable for the pooled authorities will be funded from the grant held in reserve and as such will have a net zero impact on the General Fund balance.

8.15. The Council has received from government non-ringfenced emergency grant funding in 2021/22 of £558k and a Council Tax Support Grant of £230k to help mitigate the financial impact of the Covid-19 pandemic. In addition, the MHCLG (now DLUHC) scheme inviting Local Authorities to apply for compensation for loss of sales, fees and charges income due to the impact of Covid-19 affecting demand was extended to cover the first quarter of 2021/22. The eligible income compensation for North Herts Council relating to 2021/22 was calculated to be £308k, as denoted in table 7 below, and the corresponding income receipt has been received. While the Council expects to retain this income compensation, it should be noted that all payments made under the scheme are currently subject to a reconciliation process (including those reported in the last financial year) and the outcome at this stage is unknown.

8.16. The most significant financial impact of the pandemic in 2021/22 relates to the financial support required for SLL to maintain operations at the Council's Leisure Centres during the year. Estimated support was determined and approved by Council in January 2021, with additional budget provision of £2m included in the original revenue budget for 2021/22, which included the waiver of £817k of management fee income due to the Council. As noted in table 4, the additional support required by SLL has ultimately reduced from the budgeted total of £2m to a revised total of £776k for 2021/22. The impact has been slightly offset by £11k of Leisure Recovery grant received from Sport England for activity in 2021/22, therefore reducing the total overall impact to £765k.

8.17. The original revenue budget was however not adjusted for ongoing financial impacts in other service areas, with the risk instead reflected in the calculation of the minimum General Fund balance required at the start of the year. Table 6 below itemises those other service areas where the impact of Covid-19 in 2021/22 has been significant.

Table 6 – COVID-19 Financial Impact on General Fund

Budget Area	Revenue Budget Impact reported at Q1 £k	Revenue Budget Impact reported at Q2 £k	Revenue Budget Impact reported at Q3 £k	Revenue Budget Impact reported at Outturn £k	Total Budget Impact 2021/22 £k	Eligible for Income guarantee*	Estimated Sales, Fees and Charges (SFC) Contribution £k	Balance not covered by SFC contribution £k
Homeless Accommodation	160	72	0	0	232	No	0	232
Hitchin Town Hall	25	0	33	0	58	Yes	17	41
Car Parking Fees Income	102	288	0	(22)	368	Yes	78	290
Car Park Season Ticket Income	61	91	0	33	185	Yes	43	142
Trade Waste and Recycling	32	0	0	0	32	Yes	14	18
Total	**380**	**451**	**33**	**11**	**875**		**152**	**723**

* Support from Government covers 75% of relevant losses incurred up to the end of June 2021 that are in excess of 5% of the original budget for the first quarter.

8.18. Table 7 below summarises the impact on the General Fund balance of the outturn position detailed in this report. The revision to the 'funding' total in the table relates to retained business rates income and follows the reconciliation of the General Fund entries to the position declared to government in the NNDR1 return for 2021/22. It should however also be noted at this point that the Statement of Accounts for 2021/22 is yet to be audited and changes to the General Fund balance may arise as a result of the final accounts audit.

Table 7 – General Fund impact

	Working Budget £k	**Outturn £k**	**Difference £k**
Brought Forward balance (1st April 2021)	**(8,865)**	**(8,865)**	**-**
Net Expenditure	17,484	16,892	(592)
Funding (Council Tax, Business Rates, NHB, Lower Tier Services Grant)	(15,135)	(15,111)	24
Contribution from Funding Equalisation Reserve	(398)	(398)	0
Contribution to Busines Rates Collection Fund	7,911	7,911	0
Funding from Reserves (including Business Rate Relief Grant)	(9,904)	(9,904)	0
Covid-19 un-ringfenced government grant funding	(558)	(558)	0
Covid-19 related income losses compensation to June 2021	(308)	(308)	0
Covid-19 Council Tax Support Grant	(230)	(230)	0
Carried Forward balance (31st March 2022)	**(10,003)**	**(10,571)**	**(568)**

8.19. The minimum level of General Fund balance is determined based on known and unknown risks. Known risks are those things that we think could happen and we can forecast both a potential cost if they happen, and percentage likelihood. The notional amount is based on multiplying the cost by the potential likelihood. The notional amount for unknown risks is based on 5% of net expenditure. There is not an actual budget set aside for either of these risk types so, when they occur, they are reflected as budget variances (see table 4). We monitor the level of known risks that actually happen, as it highlights whether there might be further variances. This would be likely if a number of risks came to fruition during the early part of the year. We also use this monitoring to inform the assessment of risks in future years. The notional amount calculated at the start of the year for known risks was £2,101k, and at the end of the year a total of £576k has come to fruition. The identified risk realised in the final quarter relates to;

- District by-election for the ward of Hitchin Highbury in March 2022 (included within "other minor variances" in table 4 above) - £9k.

Table 8 – Known financial risks

	£'000
Original allowance for known financial risks	**2,101**
Known financial risks realised in Quarter 1	(217)
Known financial risks realised in Quarter 2	(317)
Known financial risks realised in Quarter 3	(33)
Known financial risks realised in Quarter 4	(9)
Remaining allowance for known financial risks	**1,525**

EARMARKED RESERVES

8.20. The Council has a number of earmarked reserves, which can be used to fund revenue expenditure. These are detailed in Table 9 below. At the time of writing this report, a total of £3.202million has been contributed to the reserves in 2021/22 and a total of £11.325million has been transferred out of the reserves to the General Fund. These totals will however change once the position on the Business Rates Collection fund is finalised, as explained in paragraphs 8.10 – 8.12.

Table 9 – Earmarked Reserves

	Balance at 1 April 2021	Contributions to reserve	Transfers out of reserves	Balance at 31 March 2022
	£'000	£'000	£'000	£'000
Cemetery Mausoleum Reserve	175	0	0	175
Childrens Services Reserve	91	0	(45)	46
Climate Change Grant Reserve	25	0	(4)	21
Funding Equalisation Reserve	397	0	(397)	0
Growth Area Fund Reserve	53	0	(21)	32
Homelessness Grants Reserve	481	434	(413)	502
Housing & Planning Delivery Reserve	1,022	90	(96)	1,016
Information Technology Reserve	58	0	(35)	23
Insurance Reserve	34	0	0	34
Land Charges Reserve	66	0	(30)	36
Leisure Management Maintenance Reserve	26	42	0	68
MHCLG (now DLUHC) Grants Reserve	14,298	1,694	(9,925)	6,067
Museum Exhibits Reserve	14	0	0	14
Neighbourhood Plan Reserve	98	45	(23)	120
Paintings Conservation Reserve	11	0	0	11
Special Reserve	743	0	(103)	640
Street Name Plates	16	0	0	16
Syrian Refugee Project	450	131	(15)	566
Taxi Licences Reserve	7	0	0	7
Town Centre Maintenance	61	8	0	69
Traffic Regulation Orders	386	0	(5)	381
Waste Reserve	749	87	0	836
Waste Vehicles Reserve	913	428	0	1,341
Welfare Reform Grants Reserve	584	243	(213)	614
Total Revenue Reserves	**20,758**	**3,202**	**(11,325)**	**12,635**

9. LEGAL IMPLICATIONS

9.1. The Cabinet has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. Specifically, 5.6.8 of Cabinet's terms of reference state that it has remit "*to monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework*". By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget and to maintain a prudent balance of reserves.

9.2. The Accounts and Audit Regulations 2015 require that the Annual Statement of Accounts be approved and published.

9.3. The requirement for financial reserves is acknowledged in statute. Sections 31A, 32 42A and 43 of the Local Government Finance Act 1992 require billing and precepting authorities in England and Wales to have regard to the level of reserves needed for meeting estimated future expenditure when calculating the budget requirement.

9.4. The Council must ensure sufficient flexibility to avoid going into deficit at any point during the financial year. The Chief Financial Officer is required to report on the robustness of the proposed financial reserves, under Section 25 of the Local Government Act 2003.

9.5. Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. The level of the general reserve is a matter for the Council to determine having had regard to the advice of the S151 Officer.

9.6. This is a requirement of the Council Procedure Rules as set out in Part 4.4.1 (b) and 4.4.1 (k) of the Council's Constitution

10. FINANCIAL IMPLICATIONS

10.1. Members have been advised of any variations from the budgets in the body of this report and of any action taken by officers.

10.2. The General Fund balance of £10.571million (table 7) meets the recommended minimum balance of General Fund reserves agreed when the budget was set. The Statement of Accounts is however yet to be audited and changes to the General Fund balance may arise as a result of the final audit. As the Housing Benefit claim is also yet to be audited, the relevant values included in the reported outturn are based on un-audited figures.

11. RISK IMPLICATIONS

11.1. As outlined in the body of the report. The process of quarterly monitoring to Cabinet is a control mechanism to help to mitigate the risk of unplanned overspending of the overall Council budget.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. For any individual new revenue investment proposal of £50k or more, or affecting more than two wards, a brief equality analysis is required to be carried out to demonstrate that the authority has taken full account of any negative, or positive, equalities implications; this will take place following agreement of the investment.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1. Although there are no direct human resource implications at this stage, care is taken to ensure that where efficiency proposals or service reviews may affect staff, appropriate communication and consultation is provided in line with HR policy.

16. APPENDICES

16.1. Appendix A – 2021/22 Significant Revenue Budget Variances

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18. BACKGROUND PAPERS

18.1. None.

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Appendix A - 2021/22 Significant Revenue Budget Variances

Directorate	Significant Service Area Variances	Net Original Direct Budget	Net Direct Outturn	(Under) / Overspend	Summary Explanation	Relevant Report
Managing Director	Apprenticeship Scheme	290	175	(115)	Original budget total includes carry forward approved at Q3 20/21 for comparison purposes. Underspend reflects delays in recruitment and two apprentices leaving before their contract end dates.	Q3 2020/21 & Outturn 2021/22
	Other budgets with variances under £100k	1,620	1,631	11		
	Directorate Total	**1,910**	**1,806**	**(104)**		
Commercialisation Directorate	**Directorate Total (all budgets have variances under £100k)**	**(285)**	**(132)**	**153**		
Customers Directorate	Contribution to Bad Debt Provision for Housing Benefit Overpayments Income	300	35	(265)	Much lower level of overpayments income raised in 2020/21 relative to the years prior reduced outstanding debt amounts included in provision calculation.	Q2 & Outturn 2021/22
	Net Housing Benefit Expenditure	188	568	380	Shortfall in Housing Benefit subsidy income primarily due to housing benefit payments in respect of temporary accommodation (approx. £0.5m in 21/22) not being eligible for full reimbursement through the subsidy.	Q1,Q2 & Outturn 2021/22
	New Burdens Grant Income for administration of self-isolation payments	0	(132)	(132)	Unspent grant income as scheme was delivered using existing staff and technology.	Outturn 2021/22
	Other budgets with variances under £100k	3,343	3,404	61		
	Directorate Total	**3,831**	**3,875**	**44**		
Legal & Community Directorate	**Directorate Total (all budgets have variances under £100k)**	**2,201**	**2,155**	**(46)**		
Place Directorate	Domestic Waste & Recycling and Street Cleansing Contract Expenditure	4,720	4,861	141	Total excludes Garden Waste (included below). The budget for 21/22 assumed a contract indexation of 0.4%, based on the respective indices at that time. Subsequent increase in inflation indices resulted in actual indexation rate for 21/22 of 3.8%.	Q1 2021/22
	Commingled Recycling Credits income	(473)	(579)	(106)	Tonnages remained higher than those recorded prior to the Covid-19 pandemic	Q2 2021/22
	Commingled Recycling Haulage and Processing Costs	381	138	(243)	Higher prices achieved from the sale of the materials collected.	Outturn 2021/22
	Net Direct Income from Garden Waste Service	(574)	(675)	(101)	High level of demand for the service.	Q3 2020/21 & Outturn 2021/22
	Additional Financial Support to SLL	1,183	(41)	(1,224)	Activity recorded exceeded recovery target. £1.224m underspend against total support package of £2m (including waived management fee income) represents £776k loss to Council.	Q2,Q3 & Outturn 2021/22
	Fitness Equipment Loan to SLL – Contribution to Impairment Allowance	0	158	158	Recognition in accounts of uncertainty as to when loan repayments will resume.	Outturn 2021/22
	Other budgets with variances under £100k	1,743	1,725	(18)		
	Directorate Total	**6,980**	**5,587**	**(1,393)**		
Regulatory Services Directorate	Staffing Costs	3,540	3,363	(177)	Several retirements and resignations. Posts were held vacant due to the delay in the Local Plan and, in the case of Parking Services, the reduction in parking activity associated with Covid-19.	Q2 & Q3 2021/22
	Supplementary Planning Documents	167	0	(167)	Progress delayed due to focus on masterplanning and secondment of staff to Development Management. Unspent budget carried forward to fund expenditure in 2022/23.	Q2 & M8 2021/22 (M8 within 2022/23 Budget Report)
	Car Parking Fees Income	(1,975)	(1,607)	368	Covid-19 related restrictions on social activity in place throughout Q1, with recovery ongoing.	Q1 & Q2 2021/22
	Car Parking Season Tickets Income	(317)	(131)	186	Income reduction attributed to greater levels of home working adopted in response to the pandemic.	Q1, Q2 & Outturn 2021/22
	Other budgets with variances under £100k	(228)	(279)	(51)		
	Directorate Total	**1,187**	**1,346**	**159**		
Resources Directorate	**Directorate Total (all budgets have variances under £100k)**	**2,617**	**2,255**	**(362)**		
Overall TOTAL		**18,441**	**16,892**	**(1,549)**		

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CABINET
21 June 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: INVESTMENT STRATEGY (CAPITAL AND TREASURY) END OF YEAR REVIEW 2021/22

REPORT OF: SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: FINANCE AND I.T.

COUNCIL PRIORITY: SUSTAINABILITY

1 EXECUTIVE SUMMARY

1.1 As at the end of financial year 2021/22, there is a reduction in Capital spend compared to quarter 3 of **£0.990million**. The majority of this change is due to revisions to the profile of planned project spend, with **£0.979million** that will now instead be incurred in 2022/23.

1.2 During the year the Council has generated **£0.075million** of interest from its investments. This is more than the budgeted total of £0.066million.

1.3 The Council has repaid £0.018million of borrowing during the year as it has matured. The Council has £0.387million of remaining borrowing. This borrowing is at a fixed rate for a fixed period. The premium incurred from repaying this borrowing early means that it is not worthwhile to do so.

1.4 The Council complied with its legislative and regulatory requirements throughout the year.

1.5 The forecast for 2022/23 is that investment income will increase due to the recent increase in interest rates which is expected to rise again during the year.

2. RECOMMENDATIONS

2.1 That Cabinet notes expenditure of £1.434million in 2021/22 on the capital programme, paragraph 8.3 refers.

2.2 That Cabinet approves the adjustments to the capital programme for 2022/23 as a result of the revised timetable of schemes detailed in table 2, increasing the estimated spend in by £0.979million.

2.3 That Cabinet notes the position of the availability of capital resources, as detailed in table 3 paragraph 8.7 and the requirement to keep the capital programme under review for affordability.

2.4 That Cabinet approves the application of £1.225million of capital receipts/set aside towards the 2021/22 capital programme, paragraph 8.7 refers.

2.5 Cabinet is asked to note the position of Treasury Management activity as at the end of March 2022.

2.6 Cabinet is asked to recommend this report to Council and ask Council to:

1) Approve the actual 2021/22 prudential and treasury indicators.
2) Note the annual Treasury Report for 2021/22.

3. REASONS FOR RECOMMENDATIONS

3.1 Cabinet is required to approve adjustments to the capital programme and ensure the capital programme is fully funded.

3.2 To ensure the Council's continued compliance with CIPFA's code of practice on Treasury Management and the Local Government Act 2003 and that the Council manages its exposure to interest and capital risk.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 Options for capital investment are considered as part of the Corporate Business Planning process.

4.2 The primary principles governing the Council's investment criteria are the security of its investments (ensuring that it gets the capital invested back) and liquidity of investments (being able to get the funds back when needed). After this the return (or yield) is then considered, which provides an income source for the Council. In relation to this the Council could take a different view on its appetite for risk, which would be reflected in the Investment Strategy. In general, greater returns can be achieved by taking on greater risk. Once the Strategy has been set for the year, there is limited scope for alternative options as Officers will seek the best return that is in accordance with the Investment Strategy.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Consultation on the capital expenditure report is not required. Members will be aware that consultation is incorporated into project plans of individual capital schemes as they are progressed.

5.2 There are regular meetings with Treasury advisors (Link).

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 9th May 2022.

7. BACKGROUND

7.1 In February 2021, Council approved the Integrated Capital and Treasury Strategy for 2021/22 to 2030/31.

7.2 The Medium Term Financial Strategy for 2021 to 2026 confirmed that the Council will seek opportunities to utilise capital funding (including set aside receipts) for 'invest to save' schemes and proposals that generate higher rates of return than standard treasury investments. This is one way the Council will allocate resources to support organisational transformation that will reduce revenue expenditure.

7.3 Link Asset Services Ltd were first contracted to provide Treasury advice for the financial year 2012/13 and this arrangement has been extended until 2022/23. The service includes:

- Regular updates on economic and political changes which may impact on the Council's borrowing and investment strategies
- Information on investment counterparty creditworthiness
- Technical updates
- Access to a Technical Advisory Group.

8. RELEVANT CONSIDERATIONS

8.1 The Council has £128.0 million of capital assets that it currently owns (as at 31 March 2022). This has decreased from £129.0 million as at 31 March 2021. The Investment Strategy set out the reasons for owning assets that are not for service delivery, including an assessment of Security, Liquidity, Yield and Fair Value. There have been no significant changes in relation to these since the Strategy was set.

Capital Programme 2021/22

8.2 The full capital programme is detailed in Appendix A and shows the revised costs to date, together with the actual spend from 2021/22 to 2031/32 and the funding source for each capital scheme.

8.3 The Outturn Capital expenditure for 2021/22 is **£1.434million**. This is a reduction of **£0.990million** on that reported at the end of the third quarter. The decrease in spend is largely due to re-profiling spend into future years. Table 1 below details the changes from what was reported at Quarter 3.

Table 1- Current Capital Estimates

	2021/22 £M	2022/23 £M	2023/24 to 2031/32 £M
Original Estimates approved by Full Council February 2021	**14.718**	**7.919**	**21.114**
Changes approved by Cabinet in 3rd Qrt 2020/21	1.102	0.537	**0**
Changes approved by Cabinet in 2020/21 Capital Outturn report	0.473	0	**0**
Revised Capital estimates at start of 2021/22	**16.293**	**8.456**	**21.114**
Executive Member – Finance and I.T. approved additional Expenditure – Financial System upgrade	0.082	0	0
Executive Member – Finance and I.T. approved additional Expenditure – Installation of high-definition cameras in the Council Chamber	0.018	0	0
Changes at Q1	-0.224	0.312	0
Executive Member – Finance and I.T. approved additional Expenditure on Careline Servers	0.015	0	0
Changes at Q2	-13.139	-2.661	-8.000
Full Council 22/23 Budget	0.150	1.439	9.719
Changes at Q3	-0.771	0.821	0
Changes since Q3 (as detailed in this report)	-0.990	0.979	
Outturn 2021/22	**1.434**	**9.346**	**22.833**

8.4 Table 2 lists the schemes in the 2021/22 Capital Programme that will start or continue in 2022/23:

Table 2: Scheme Timetable Revision:
(Key: - = reduction in capital expenditure, + = increase in capital expenditure)

Scheme	2021/22 Working Budget £'000	2021/22 Outtrun £'000	Difference £'000	Reason for Difference	Estimated impact on 2022/23 onwards £'000
North Herts Leisure Centre Sauna/Steam room Refurbishment	150	0	-150	Design specification and cost of works pushed project start date into 2022/23. Work started onsite in April 2022.	150
Playground Renovation – District Wide	180	57	-123	Installation is still ongoing. Works are complete at Bancroft and in progress at Priory memorial gardens (Royston) and Holroyd (Baldock). Tenders received exceeded budget which has been covered using s106 allocations that were not previously allocated to any specific project.	123
Community Facilities Refurbishments	165	71	-94	The pandemic has severely impacted on the ability of community and voluntary sector organisations to consider small or large scale capital projects. Their usual activity has been diverted to supporting those vulnerable individuals in the community so has affected their capacity to apply at the present time.	94
Private Sector Grants	91	22	-60	Due to staff shortages and the Covid restrictions we have not been able to visit the residents needing the assistance. The budget is needed to assist our vulnerable and elderly residents to ensure they are not left without heating or hot water as well as helping them to reduce their energy use.	60
Provide Housing at Market Rents	103	51	-52	The major refurbishment work has been completed, however, there are some external and internal finishes (these include paving, landscaping and internal flooring) that need to be undertaken to enable the	52

Scheme	2021/22 Working Budget £'000	2021/22 Outtrun £'000	Difference £'000	Reason for Difference	Estimated impact on 2022/23 onwards £'000
				Council to rent out the four flats. This work will be completed by the end of August 2022.	
Centros Integra Upgrade	82	31	-51	Project delayed due to the availability of the software provider's consultants. Implementation to take place in May / June with go live at the end of July.	51
Property Improvements	122	73	-49	Works to re-roof a flat roof at Letchworth Outdoor Pool and structural works to Thomas Bellamy House were delayed due to other work pressures.	49
Parking Charging Payments Management System	40	0	-40	Following a detailed procurement exercise, consultants were appointed in February to undertake a Feasibility Study on the Alternative Methods of Payment and are due to report late June 2022. This budget is required to take forward more detailed work following the outcomes of the above study.	40
Email Encryption Software	40	0	-40	There was due to a delay with selecting a suitable replacement software solution for the Laptops in line with PSN security. A solution was procured late March and the remaining budget is required to purchase additional modules once further testing has been completed on the new laptop build.	40
Hitchin Swim Centre Outdoor Boiler Replacement	40	2	-38	Procurement of the boiler took longer than expected which delayed the project start date to April 2022.	38
Letchworth Outdoor Pool Boiler Replacement	40	2	-38	Procurement of the boiler took longer than expected which delayed the project start date to April 2022.	38

Scheme	2021/22 Working Budget £'000	2021/22 Outtrun £'000	Difference £'000	Reason for Difference	Estimated impact on 2022/23 onwards £'000
Upgrade 25 Parking Machines	36	0	-36	This project has been delayed due to other key projects and lack of staff resources within the Parking Enforcement Team due to retirements and resignations and Covid affecting a large number of the team. Quotations for the upgrade work have been sought and officers are currently fulfilling the procurement requirements in order for the work to commence during the 1st Quarter of 2022/23.	36
Total Minor (under £25k) slippage on other projects	957	740	-208		208
Total Revision to Budget Profile			**-979**		**979**

8.5 There are also changes to the overall costs of schemes in 2021/22. These minor changes total a net decrease of £0.017million.

8.6 The following capital schemes have been completed during 2021/22:

- Renovate Howard Park Play Area, Letchworth
- Replace Play Equipment at Holroyd, Baldock
- Replace Play Equipment at Wilbury Recreation Ground, Letchworth
- New combined Recycling / Litter Bins in Parks across the District
- Voice Recorders at Careline
- New light-weight Elections Polling Booths and Screens
- Energy Efficiency Measures
- Various IT Projects

Capital Programme 2021/22 Funding onwards

8.7 Table 3 below shows how the Council will fund the 2021/22 capital programme.

Table 3: Funding the Capital Programme:

	2021/22 Balance at start of year £M	2021/22 Additions £M	2021/22 Funding Used £M	2021/22 Balance at end of year £M
Useable Capital Receipts and Set-aside Receipts	6.229	2.715	(1.225)	7.719
S106 receipts			(0.133)	
Other third party grants and contributions			0	
Revenue Contributions / IT Reserve			(0.076)	
Planned Borrowing			0	
Total			**(1.434)**	

8.8 The availability of third party contributions and grants to fund capital investment is continuously sought in order to reduce pressure on the Council's available capital receipts and allow for further investment. Additional capital receipts are dependent on selling surplus land and buildings. Ensuring that the Council gets best value from the disposal of land and buildings can take a long time and therefore the amounts that might be received could be subject to change.

8.9 The Council's Capital Financing Requirement (CFR) at 31st March 2022 was negative £4.61 million (negative £5.255 million 31st March 2021). As the CFR is negative the Council does not have a need to borrow to fund capital spend. However, should the Capital programme be fully spent in 25/26 there will be a potential need to borrow £2.8M, which will have an impact on the General Fund by way of a Minimum Revenue Provision (MRP) and interest payments. This need to borrow will mainly be dependent on spend in line with the property acquisition and development strategy. It is expected that any such spend will generate income that will exceed the cost of capital.

Treasury Management 2021/22

8.10 The Council has operated both within the treasury and prudential indicators set out in the Treasury Management Strategy Statement and in compliance with the Treasury Management Practices. However, the £5M limit on the Council's Current Account was exceeded on 9th December for one day. The balance was £15M. This happened because the whole of the Council's IT systems were down for the majority of the day. When the systems were operational in the afternoon, the cut off times for placing investments had passed. As we thought that the unavailability would only be for a short period, we did not look at alternative options for moving the funds. This has already been reported as part of the Quarter 3 Investment Strategy update.

8.11 The Council generated £0.075M of interest during 2021/22. The average interest rate agreed on new deals during the year was 0.15%. The average interest rate on all outstanding investments at the 31st March was 0.33%.

8.12 The Council's activities expose it to a variety of risks (credit, liquidity and market). The Treasury Strategy sets out the Authority's appetite for the level of exposure to these risks.

8.13 **Security Risk** – The possibility that other parties fail to pay amounts due to the Authority.

The Council's counterparty list for 2021/22 comprised UK building societies and UK banks with a Fitch (a credit rating agency) credit rating greater than BBB, non-UK banks with a credit rating greater than AA- with a AAA Country rating, other Local Authorities and Public Corporations. It also includes smaller Building Societies that do not have a credit rating.

8.14 **Liquidity Risk** – the possibility that the Authority may not have funds available to meet its commitments to make payments.

8.15 **Market Risk** - the possibility that financial loss might arise as a result of changes in interest rates.

Investing long term (greater than one year) currently achieves higher interest rates than short term deals. The risks of long term deals are:

(i) The longer the time period the longer the investment is exposed to default.
(ii) If the investment has a fixed interest rate, interest rates could rise and the potential to invest at a higher rate will be lost until the investment matures.

8.16 Members have indicated that they are prepared to accept this risk within the limits expressed in the Treasury Strategy, which allows no more than £12M of outstanding investments to be invested for longer than 365 days at any one time. At the end of the year the Council didn't have any investments invested for longer than 365 days.

8.17 **Interest (Yield)** - This year has continued to prove challenging to find counterparties willing to pay a reasonable return on cash investments, either long or short term. The uncertainty around interest rate changes continued in 21/22, with the latest predictions indicating that there will be further increases in the Bank Rate during 2022/23. Even if there are increases in the Bank of England base rate and these flow through to the investments that the Council makes, it is still likely that the value of the Council's money will be eroded by high levels of inflation.

8.18 The investments outstanding at the 31 March 2022 were £57.5million. This compares to a balance of £42.5million at 31 March 2021. Investment in capital projects will continue during 2022/23 and the estimated investment interest for 2022/23 was set at £0.119million. This estimate will be revised in the 1st quarter monitoring report due to the recent increases to Bank Rate and a higher level of balances available to invest due to capital slippage.

9. LEGAL IMPLICATIONS

9.1 Cabinet's terms of reference under 5.6.7 specifically includes "to monitor expenditure on the capital programme and agree adjustments within the overall budgetary framework".

The Cabinet also has a responsibility to keep under review the budget of the Council and any other matter having substantial implications for the financial resources of the Council. By considering monitoring reports throughout the financial year Cabinet is able to make informed recommendations on the budget to Council. The Council is under a duty to maintain a balanced budget.

9.2 Section 151 of the Local Government Act 1972 states that:
"every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."

9.3 Asset disposals must be handled in accordance with the Council's Contract Procurement Rules.

9.4 The Prudential Indicators comply with the Local Government Act 2003.

10. FINANCIAL IMPLICATIONS

10.1 The main financial implications are covered in section 8 of the report.

10.2 The Authority operates a tolerance limit on capital projects that depends on the value of the scheme and on this basis over the next ten-year programme it should be anticipated that the total spend over the period could be £3.511million higher than the budgeted £32.179million.

10.3 The capital programme will need to remain under close review due to the limited availability of capital resources and the affordability in the general fund of the cost of using the Council's capital receipts. When capital receipts are used and not replaced the availability of cash for investment reduces. Consequently interest income from investments reduces. £1.0million currently earns the Authority approximately £10k per year in interest (1.0%). The general fund estimates are routinely updated to reflect the reduced income from investments. When the Capital Financing Requirement (CFR) reaches zero the Council will need to start charging a minimum revenue provision to the general fund for the cost of capital and will need to consider external borrowing for further capital spend. The CFR at the 31 March 2021 was negative £4.61million. This may turn positive in 25/26 if the capital programme is fully spent.

10.4 The Council also aims to ensure that the level of planned capital spending in any one year matches the capacity of the organisation to deliver the schemes to ensure that the impact on the revenue budget of loss of cash-flow investment income is minimised.

11. RISK IMPLICATIONS

11.1 The inherent risks in undertaking a capital project are managed by the project manager of each individual scheme. These are recorded on a project risk log which will be considered by the Project Board (if applicable). The key risks arising from the project may be recorded on Pentana (the Council's Performance & Risk management software).

11.2 Risks associated with treasury management and procedures to minimise risk are outlined in the Treasury Management Practices document, TMP1, which was adopted by Cabinet in July 2003 and is revisited annually as part of the Treasury Strategy review. The risk on the General Fund of a fall of investment interest below the budgeted level is dependent on banks and building societies need for borrowing.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no direct equalities implications directly arising from the adoption of the Capital Programme for 2021/22 onwards. For any individual new capital investment proposal of £50k or more, or affecting more than two wards, an equality analysis is required to be carried out. This will take place following agreement of the investment proposal.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to recommendations of this report. The projects at section 8.4 may have impacts that contribute to an adverse impact. As these projects go forward, an assessment will be made where necessary.

15. HUMAN RESOURCE IMPLICATIONS

15.1 There are no direct human resource implications.

16. APPENDICES

16.1 Appendix A, Capital Programme Detail including Funding 2021/22 onwards.
Appendix B, Treasury Management Update.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 Investment Strategy (Integrated Capital and Treasury Strategy) https://democracy.north-herts.gov.uk/documents/b8344/Items%20Referred%20from%20Other%20Committees%20-%206b%20-%20Investment%20Strategy%20Capital%20and%20Treasury%2011th-Feb-202.pdf?T=9

		Spend / Forecast Spend							Funding				
Project	Service Directorate	2021/22 Funding £	2022/23 Funding £	2023/24 Funding £	2024/25 Funding £	2025/26 Funding £	2026/27 Funding £	2027/28 - 2031/32 Funding £	Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set-aside receipts/ Borrowing
40 KVA UPS Device or Battery Replacement	Customers	0	15,000	12,000	0	14,000	0	16,000	0	0	0	0	57,000
Access Burymean Road	Commercial	2,700	2,600	0	0	0	0	0	0	0	0	0	5,300
Alteration & improvement to underground drainage at Coombes Community Centre, Royston	Commercial	35,000	15,000	0	0	0	0	0	0	0	0	0	50,000
Alternative to safeword tokens for staff/members working remotely	Customers	0	6,900	0	3,000	0	3,000	19,000	0	0	0	0	31,900
Avene Park Floodloghts	Place	0	30,000	0	0	0	0	0	0	0	0	0	30,000
Avenue Park Splash Park	Place	0	0	70,000	0	0	0	0	0	0	0	0	70,000
Back-up Diesel 40 KVA Generator (DCO)	Customers	0	0	25,000	0	0	0	0	0	0	0	0	25,000
Baldock Town Hall project	Legal and Community	12,000	5,600	0	0	0	0	0	0	0	0	0	17,600
Bancroft Lighting	Place	0	0	45,000	0	0	0	0	0	0	0	0	45,000
Bancroft & Priory Splash Pads	Place	0	0	0	35,000	0	0	0	0	0	0	0	35,000
Bury Mead Road Transfer Facility	Place	0	30,000	0	0	0	0	0	0	0	0	0	30,000
Cabinet Switches - 4 Floors	Customers	0	18,000	0	18,000	0	0	18,000	0	0	0	0	54,000
Cadcorp Local Knowledge & Notice Board Software	Customers	0	5,400	0	0	0	0	0	0	0	0	200	5,200
Careline Servers	Customers	11,200	3,800	0	0	0	0	0	0	0	0	0	15,000
CCTV at DCO & Hitchin Town Hall	Customers	0	20,000	0	0	0	0	0	0	0	0	0	20,000
Channel Shift	Regulatory	-1,000	0	0	0	0	0	0	0	0	0	0	-1,000
Conference Calling Solutions in Large Meeting Rooms at District Council Offices	Customers	22,000	13,000	0	0	0	0	0	0	0	0	22,000	13,000
Council Chamber	Customers	18,300	0	0	0	0	0	0	0	0	0	18,300	0
Council property improvements following condition surveys	Resources	73,000	603,700	0	0	0	0	0	0	0	0	0	676,700
Cyber Attacks - Events Monitoring Software Solution	Customers	15,200	9,100	0	0	0	0	0	0	0	0	0	24,300
Cycle Strategy implementation (GAF)	Regulatory	0	278,000	0	0	0	0	0	0	278,000	0	0	0
Data Switch Upgrade	Customers	0	15,000	0	18,000	0	18,000	23,000	0	0	0	0	74,000
Disabled Facilities Grant	Regulatory	-9,200	0	0	0	0	0	0	0	0	0	0	-9,200
DR Hardware Refresh Inc UPS Battery Pk (unit 3)	Customers	0	0	0	0	55,000	0	0	0	0	0	0	55,000
Email / Web Gateway with SPAM Filtering Software Solution - Licence 3 Year Contract	Customers	22,700	0	0	0	0	0	0	0	0	0	0	22,700
Email Encryption Software Solution	Customers	0	40,400	0	0	0	0	0	0	0	0	0	40,400
Energy efficiency measures	Resources	5,500	0	0	0	0	0	0	0	0	0	0	5,500
Enviromental Improvements	Place	0	115,000	0	0	0	0	0	0	0	0	0	115,000
Former Public Convenience Portmill Lane	Commercial	0	25,000	0	0	0	0	0	0	0	0	0	25,000
Great Ashby District Park safety and security	Place	8,300	11,700	0	0	0	0	0	0	0	0	0	20,000
Green Infrastructure implementation (GAF)	Regulatory	0	185,000	0	0	0	0	0	0	185,000	0	0	0
Grounds Maintenance Vehicles and Machinery	Place	0	315,000	0	0	0	0	0	0	0	0	0	315,000
Hitchin Lairage car park - cosmetic coating to four stairwells and replacement windows and doors	Resources	0	75,000	0	0	0	0	0	0	0	0	0	75,000
Hitchin Swim Centre Boiler Replacement	Place	0	0	0	200,000	0	0	0	0	0	0	0	200,000
Hitchin Swim Centre Archers Member Change and Relaxation Area Refurbishment	Place	0	0	0	0	300,000	0	0	0	0	0	0	300,000
Hitchin Swim Centre Change Village Refurbishment	Place	0	0	0	0	0	225,000	0	0	0	0	0	225,000
Hitchin Swim Centre Fitness Equipment Replacement	Place	0	0	0	0	0	300,000	0	0	0	0	0	300,000
Hitchin Swim Centre Fitness Facility Refurbishment	Place	0	0	0	0	0	50,000	0	0	0	0	0	50,000
Hitchin Swim Centre Outdoor Pool Boiler Replacement	Place	1,700	38,300	40,000	0	0	0	0	0	0	0	0	80,000
Hitchin Swim Centre Outdoor Pool Cover Replacement	Place	0	0	0	0	0	30,000	0	0	0	0	0	30,000

		Spend / Forecast Spend							Funding				
Project	Service Directorate	2021/22 Funding £	2022/23 Funding £	2023/24 Funding £	2024/25 Funding £	2025/26 Funding £	2026/27 Funding £	2027/28 - 2031/32 Funding £	Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set-aside receipts/ Borrowing
Hitchin Swim Centre Reception Toilet Refurbishment	Place	0	0	30,000	0	0	0	0	0	0	0	0	30,000
Hitchin Swim Centre Replacement of Domestic Hot Water Calorifer	Place	6,800	18,200	0	0	0	0	0	0	0	0	0	25,000
Hitchin Town Hall Additional Bar & Glassware Infrastructure	Commercial	11,600	0	0	0	0	0	0	0	0	0	0	11,600
Hitchin Town Hall Sprung Floor Replacement	Commercial	60,900	6,000	0	0	0	0	0	0	0	0	0	66,900
Howard Gardens Splashpad	Place	0	35,000	0	0	0	0	0	0	0	0	0	35,000
Ickneild Way Cemetery Footpaths	Place	0	50,000	0	0	0	0	0	0	0	0	0	50,000
Infrastructure Hardware	Customers	2,200	28,000	0	278,000	0	0	167,000	0	0	0	0	475,200
Installation of trial on-street charging (GAF)	Regulatory	0	50,000	0	0	0	0	0	0	50,000	0	0	0
Integra - Centros Upgrade	Resources	30,900	51,000	0	0	0	0	0	0	0	0	0	81,900
Ivel Springs Footpaths	Place	0	10,000	0	0	0	0	0	0	0	0	0	10,000
John Barker Place, Hitchin	Regulatory	0	1,096,000	0	0	0	0	0	0	0	270,400	0	825,600
Lairage Multi-Storey Car Par - Structural wall repairs	Resources	3,300	113,900	0	0	0	0	0	0	0	0	0	117,200
Laptop Purchases for Officers	Customers	95,100	0	0	0	0	0	0	0	0	0	35,000	60,100
Laptops - Refresh Programme	Customers	37,500	24,400	10,000	15,000	294,000	0	0	0	0	0	0	380,900
Leased Cars	Resources	0	141,000	0	0	0	0	0	0	0	0	0	141,000
Leisure Condition Survey Enhancements	Place	23,200	58,800	80,000	0	0	0	0	0	0	0	0	162,000
Letchworth Multi-storey Car Park - parapet walls, soffit & decoration	Resources	0	129,000	0	0	0	0	0	0	0	0	0	129,000
Letchworth multi-storey car park - lighting	Resources	1,800	0	0	0	0	0	0	0	0	0	0	1,800
Letchworth Outdoor Pool Boiler Replacement	Place	1,700	38,300	40,000	0	0	0	0	0	0	0	0	80,000
Match funding for Electric Vehicle charging	Regulatory	0	100,000	0	0	0	0	0	0	50,000	0	0	50,000
Members Laptops Refresh Programme	Customers	0	0	30,000	0	0	30,000	30,000	0	0	0	0	90,000
Microsoft Enterprise Software Assurance	Customers	0	617,000	0	0	679,000	0	747,000	0	0	0	0	2,043,000
Mrs Howard Hall Replacement Boiler & Windows	Resources	0	63,000	0	0	0	0	0	0	0	0	0	63,000
Museum and Commercial Storage Facility at Burymead Hitchin	Commercial	0	2,000,000	2,000,000	0	0	0	0	0	0	0	0	4,000,000
New Mausoleum	Place	0	250,000	0	0	0	0	0	0	0	0	170,000	80,000
Newmarket Road Royston Skatepark & Access	Place	0	0	90,000	0	0	0	0	0	0	0	0	90,000
NH Museum & Community Facility	Commercial	0	48,300	0	0	0	0	0	48,300	0	0	0	0
NH Museum Platform Lift Solutions	Commercial	0	40,000	0	0	0	0	0	0	0	0	0	40,000
NHLC Boiler Replacement	Place	0	0	200,000	0	0	0	0	0	0	0	0	200,000
NHLC Dryside Changing Area	Place	0	0	100,000	0	0	0	0	0	0	0	0	100,000
NHLC Interactive Water Feature	Place	0	0	0	0	0	0	120,000	0	0	0	0	120,000
NHLC Pool Flume Replacement	Place	0	0	0	0	0	0	150,000	0	0	0	0	150,000
NHLC Refurbish Gym Floor	Place	2,700	0	0	0	0	0	0	0	0	2,700	0	0
NHLC Replacement of Sport Hall heating system	Place	31,100	0	0	0	0	0	0	0	0	0	0	31,100
NHLC Sauna Steam Refurbishment	Place	0	150,000	0	0	0	0	0	0	0	0	0	150,000
Northern Transfer Station	Place	0	0	0	3,000,000	3,000,000	0	0	0	0	0	0	6,000,000
Norton Common Footpaths	Place	0	0	10,000	0	0	0	0	0	0	0	0	10,000
Off Street Car Parks resurfacing and enhancement	Resources	26,100	209,400	8,000	0	0	0	0	0	0	0	0	243,500
Oughtonhead Common Footpaths	Place	0	0	20,000	0	0	0	0	0	0	0	0	20,000
Oughtonhead Common Signage and Interpretation	Place	0	10,000	0	0	0	0	0	0	0	0	0	10,000
Park Recycling Litter Bins	Place	13,400	0	0	0	0	0	0	0	0	0	0	13,400
Parking Charging, Payments & Management	Regulatory	0	235,000	0	0	0	0	0	0	0	0	0	235,000
Parking Machines Replacement	Regulatory	0	0	0	0	150,000	150,000	0	0	0	0	0	300,000
Parking Machines Upgrade - Contactless Payment Facility Installation	Regulatory	0	56,000	0	0	0	0	0	0	43,000	0	0	13,000
PC's - Refresh Programme	Customers	11,700	9,300	7,000	13,000	7,000	8,000	26,000	0	0	0	0	82,000
Playground Renovation District Wide	Place	56,800	303,200	180,000	180,000	180,000	180,000	720,000	0	0	5,600	0	1,794,400
Polling Booths for Elections	Legal and Community	31,100	0	0	0	0	0	0	0	0	0	0	31,100
Private Sector Grants	Regulatory	31,000	119,600	60,000	60,000	60,000	60,000	240,000	0	0	0	0	630,600

		Spend / Forecast Spend							Funding				
Project	Service Directorate	2021/22 Funding £	2022/23 Funding £	2023/24 Funding £	2024/25 Funding £	2025/26 Funding £	2026/27 Funding £	2027/28 - 2031/32 Funding £	Funded from Other Grants	Funded from Government Grant	Funded from s106 contributions	Funded from Revenue / IT Reserve	Balance funded from Capital Receipts/ Set-aside receipts/ Borrowing
Provide housing at market rents.	Commercial	51,500	51,700	0	0	0	0	0	0	0	0	0	103,200
Ransoms Rec Footpaths, Gates and Railing	Place	0	10,000	20,000	0	0	0	0	0	0	0	0	30,000
Refurbishment and improvement of community facilities	Legal and Community	71,500	193,800	0	0	0	0	0	0	0	0	0	265,300
Refurbishment of lifts at Lairage Car Park	Resources	370,800	4,200	0	0	0	0	0	0	0	0	0	375,000
Refuse and Recycling Bins	Place	0	90,000	90,000	90,000	90,000	90,000	450,000	0	0	0	0	900,000
Renovate play area Howard Park, Letchworth	Place	68,600	6,400	0	0	0	0	0	0	0	0	0	75,000
Renovate skate park at King George V Hitchin	Place	0	0	250,000	0	0	0	0	0	0	0	0	250,000
Replace and enhance lighting at St Mary's Car Park	Resources	0	60,000	0	0	0	0	0	0	0	0	0	60,000
Replace items of play equipment Holroyd Cres, Baldock	Place	11,000	0	0	0	0	0	0	0	0	0	0	11,000
Replace items of play equipment Wilbury Recreation Ground, Letchworth	Place	11,000	0	0	0	0	0	0	0	0	5,000	0	6,000
Replacement of Newark Close, Royston	Commercial	0	65,000	0	0	0	0	0	0	0	0	0	65,000
Replacement of the timber access bridge at Norton Common	Place	0	75,000	0	0	0	0	0	0	0	0	0	75,000
Resurface Lairage Car Park	Resources	0	350,000	0	0	0	0	0	0	0	0	0	350,000
Riverside walkway, Biggin Lane Hitchin	Commercial	0	53,000	0	0	0	0	0	0	0	0	0	53,000
Royston Leisure Centre extension	Place	0	0	1,000,000	0	0	0	0	0	0	0	0	1,000,000
Royston Leisure Centre Boiler Replacement	Place	0	0	0	0	0	0	100,000	0	0	0	0	100,000
Royston Leisure Centre Changing Village Refurbishment	Place	0	0	225,000	0	0	0	0	0	0	0	0	225,000
Royston Leisure Centre Dry Side Toilet Refurbishment	Place	0	0	0	0	30,000	0	0	0	0	0	0	30,000
Royston Leisure Centre Fitness Equipment Replacement	Place	0	0	0	0	0	150,000	0	0	0	0	0	150,000
Royston Leisure Centre Fitness Facility Refurbishment	Place	0	0	0	0	0	50,000	0	0	0	0	0	50,000
Royston Leisure Centre Members Changing Refurbishment	Place	0	0	0	150,000	0	0	0	0	0	0	0	150,000
Royston Leisure Centre Solar Thermal Installation	Place	0	50,000	0	0	0	0	0	0	0	0	0	50,000
S106 Projects	Various	119,800	0	0	0	0	0	0	0	0	119,800	0	0
Security - Firewalls	Customers	4,300	20,500	0	16,000	0	18,000	18,000	0	0	0	0	76,800
Solar PV installation at Hitchin Swim Centre	Place	0	0	115,000	0	0	0	0	0	0	0	0	115,000
Solar PV installation at North Herts Leisure Centre	Place	0	0	260,000	0	0	0	0	0	0	0	0	260,000
Solar PV installation at Royston Leisure Centre	Place	0	0	185,000	0	0	0	0	0	0	0	0	185,000
St Johns Cemetery Footpath	Place	0	0	0	40,000	0	0	0	0	0	0	0	40,000
Tablets - Android Devices	Customers	17,200	16,700	10,000	10,000	10,000	10,000	20,000	0	0	0	0	93,900
Telephony system	Customers	3,700	6,900	0	0	0	0	0	0	0	0	0	10,600
Thomas Bellamy House, Hitchin	Commercial	0	65,000	0	0	0	0	0	0	0	0	0	65,000
Town Centre Parks Play Provision	Place	0	15,000	0	0	0	0	0	0	0	0	0	15,000
Transport Plans implementation (GAF)	Regulatory	0	250,000	0	0	0	0	0	0	250,000	0	0	0
Walsworth Common Pavilion - contribution to scheme	Place	0	0	300,000	0	0	0	0	250,000	0	37,000	0	13,000
Waste and Street Cleansing Vehicles	Place	0	0	0	0	4,000,000	0	0	0	0	0	3,200,000	800,000
Weston Hills LNR Footpath Renovation	Place	0	20,000	0	0	0	0	0	0	0	0	0	20,000
Wilbury Hills Cemetery Footpaths	Place	7,800	6,600	10,000	10,000	0	30,000	0	0	0	0	0	64,400
WiFi Upgrade	Customers	0	0	0	0	40,000	0	0	0	0	0	0	40,000
		1,433,500	**9,346,700**	**5,522,000**	**4,136,000**	**8,909,000**	**1,402,000**	**2,864,000**	**298,300**	**856,000**	**440,500**	**3,445,500**	**28,572,900**

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Annual Treasury Management Review
2021/22

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Annual Treasury Management Review 2021/22

Purpose

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management, (the Code), and the CIPFA Prudential Code for Capital Finance in Local Authorities, (the Prudential Code).

During 2021/22 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 11/02/2021)
- a mid-year, (minimum), treasury update report (Council 21/12/2021)
- an annual review following the end of the year describing the activity compared to the strategy, (this report)

In addition, Cabinet and the Finance, Audit and Risk (FAR) Committee have received quarterly treasury management update reports.

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Finance, Audit and Risk Committee before they were reported to the full Council.

Executive Summary

During 2021/22, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Prudential and treasury indicators	31.3.21 Actual £m	2021/22 Budget £m	31.3.22 Actual £m
Capital expenditure	1.883	14.718	1.434
Capital Financing Requirement:	-5.255	5.100	-4.608
Gross borrowing	0.405	5.248	0.387
External debt	0.405	5.248	0.387
Investments	42.500	24.181	57.500
Net borrowing	-42.905	-18.933	-57.113

Other prudential and treasury indicators are to be found in the main body of this report. The Chief Finance Officer also confirms that borrowing was only undertaken for a capital purpose and the statutory borrowing limit, (the authorised limit), was not breached.

The financial year 2021/22 continued the challenging investment environment of previous years, namely low investment returns.

Introduction and Background

This report summarises the following:-

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness, (the Capital Financing Requirement);
- The actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;

1. The Council's Capital Expenditure and Financing

The Council incurs capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£m General Fund	31.3.21 Actual	2021/22 Budget	31.3.22 Actual
Capital expenditure	**1.833**	**2.424**	**1.434**
Financed in year	1.466	1.377	0.787
Unfinanced capital expenditure	**0.417**	**1.047**	**0.647**

2. The Council's Overall Borrowing Need

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2021/22 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies, (such as the Government, through the Public Works Loan Board [PWLB], or the money markets), or utilising temporary cash resources within the Council.

CFR (£m): General Fund	31.3.21 Actual	2021/22 Budget	31.3.22 Actual
Opening balance	-5.672	-5.255*	-5.255
Add unfinanced capital expenditure (as above)	0.417	10.355	0.647
Closing balance	-5.255	5.100	**-4.608**

*The 21/22 Original Budget was prepared before the final outturn figures for 20/21 were complete. The Actual figure is considerably less due to the removal from the capital programme of the £20M Acquisition of Property Investments capital scheme and slippage on the Capital Programme in 21/22 resulting in less expenditure to finance.

The negative closing balances mean that the Council does not have a need to borrow.

Borrowing activity is constrained by prudential indicators for gross borrowing and the CFR, and by the authorised limit.

Gross borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council should ensure that its gross external borrowing does not, except in the short term, exceed the total of the capital financing requirement in the preceding year (2021/22) plus the estimates of any additional capital financing requirement for the current (2022/23) and next two financial years. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator as all borrowing is historic and it is not economical to repay it.

	31.3.21 Actual £m	2021/22 Budget £m	31.3.22 Actual £m
Gross borrowing position	0.405	5.248	0.387
CFR	-5.255	5.100	-4.608

The authorised limit - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2021/22 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary are acceptable subject to the authorised limit not being breached.

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital, (borrowing and other long term obligation costs net of investment income), against the net revenue stream.

	2021/22 £m
Authorised limit	9.000
Maximum gross borrowing position during the year	0.405
Operational boundary	3.200
Average gross borrowing position	0.397
Financing costs as a proportion of net revenue stream	-0.21%

3. Treasury Position as at 31st March 2022

The Council's treasury management debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2021/22 the Council's treasury position was as follows:

DEBT PORTFOLIO £m	31.3.21 Principal	Rate/ Return	31.3.22 Principal	Rate/ Return
Fixed rate funding:				
-PWLB	0.405	9.96%	0.387	10.11%
-Market	0		0	
Variable rate funding:				
-PWLB	0		0	
-Market	0		0	
Total debt	**0.405**	**9.96%**	**0.387**	**10.11%**
CFR	**-5.255**		**-4.608**	
Over / (under) borrowing	**5.660**		**4.995**	
Total investments	**42.5**	**0.41%**	**57.5**	**0.33%**
Net debt	**-42.095**		**-57.113**	

The maturity structure of the debt portfolio was as follows:

£'000	31.3.21 Actual	31.3.22 actual
Under 12 months	18	19
12 months and within 24 months	19	21
24 months and within 5 years	63	57
5 years and within 10 years	55	40
10 years and above	250	250

INVESTMENT PORTFOLIO	31.3.21 Actual £m	31.3.21 Actual %	31.3.22 Actual £m	31.3.22 Actual %
Treasury investments				
Banks	0	0	6.0	10
Building Societies - rated	6.0	14	4.0	7
Building Societies – unrated	4.5	11	1.5	3
Local authorities	20.0	47	25.0	43
DMADF (H M Treasury)	12.0	28	21.0	37
TOTAL TREASURY INVESTMENTS	42.5	100%	57.5	100%

The above excludes the balance held in the Council's current account. At 31st March 2022 this were £2m.

The maturity structure of the investment portfolio was as follows:

	31.3.21 Actual £m	31.3.22 Actual £m
Investments Longer than 1 Year	0	0
Investments Up to1 Year	42.5	57.5

The increase in cash balances as at the end of 2021/22 (compared with 2020/21) is partly due to the balances that the Council was holding in relation to the Council Tax Rebate Grant.

4. The Strategy for 2021/22

The strategy in 2021/22 was to continue lending to UK banks, building societies, money market funds and Local Authorities and allow investments with non-UK banks with a credit rating greater than AA- with a AAA Country rating. Only UK banks that met credit rating criteria ("BBB" or above for longer term deals, and F3 or above for short term deals) were on the Council's lending list. (These are Fitch definitions of ratings). Not all building societies are credit rated but this did not preclude them from the lending list as lending to a building society was dependant on their asset size. Where a society did have a rating, this was considered at the time of the deal taking into account the amount of investment and the length of the deal.

4.1 Investment strategy and control of interest rate risk

Investment returns remained close to zero for much of 2021/22. Most local authority lending managed to avoid negative rates and one feature of the year was the continued growth of inter local authority lending. The expectation for interest rates within the treasury management strategy for 2021/22 was that Bank Rate would remain at 0.1% until it was clear to the Bank of England that the emergency level of rates introduced at the start of the Covid-19 pandemic were no longer necessary.

The Bank of England and the Government also maintained various monetary and fiscal measures, supplying the banking system and the economy with massive amounts of cheap credit so that banks could help cash-starved businesses to survive the various lockdowns/negative impact on their cashflow. The Government also supplied huge amounts of finance to local authorities to pass on to businesses. This meant that for most of the year there was much more liquidity in financial markets than there was demand to borrow, with the consequent effect that investment earnings rates remained low until towards the turn of the calendar year when inflation concerns indicated central banks, not just the Bank of England, would need to lift interest rates to combat the second-round effects of growing levels of inflation (CPI was 6.2% in February).

While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

4.2 Borrowing strategy and control of interest rate risk

The policy of avoiding new borrowing by running down spare cash balances which has served well over the last few years continued during 21/22.

5. Borrowing Outturn

Borrowing
No new borrowing was undertaken during the year.

Borrowing in advance of need
The Council has not borrowed more than, or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed.

Rescheduling
No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.

Repayments
£18K of PWLB loans were repaid during the year, as they became due.

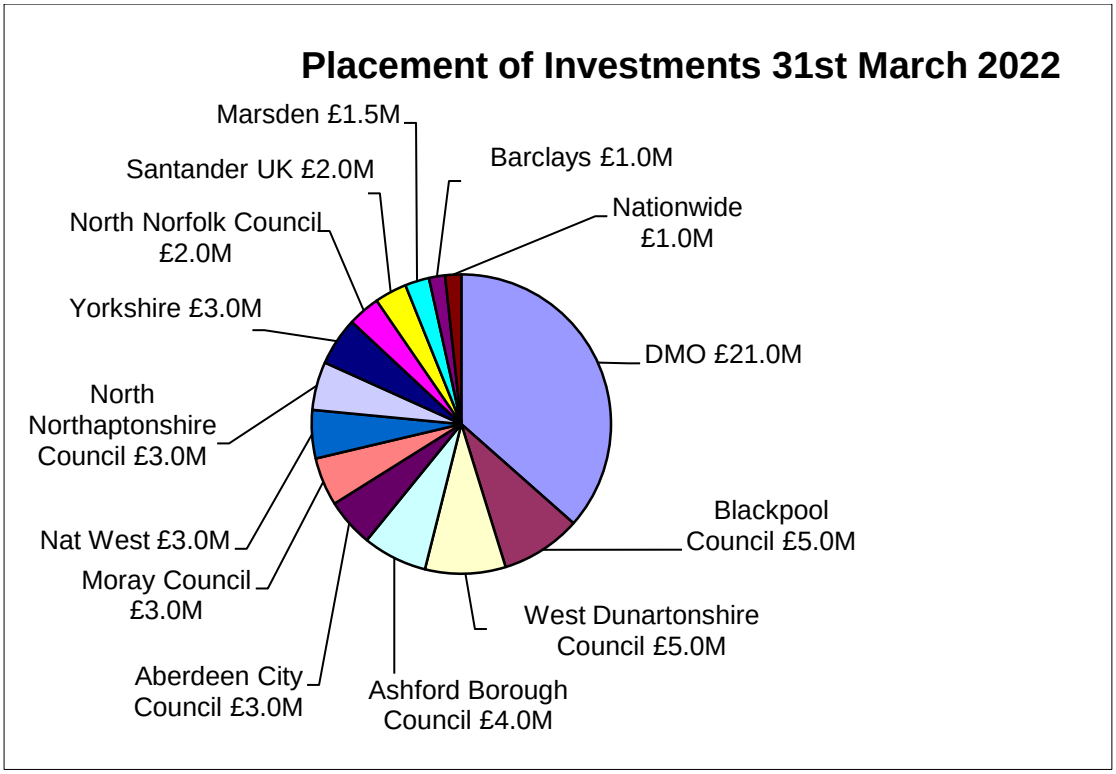
6. Investment Outturn

Investment Policy – the Council's investment policy is governed by DLUHC investment guidance, which has been implemented in the annual investment strategy approved by the Council on 11/02/21. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the Fitch credit rating agency for banks and asset size for building societies.

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties. However, the £5M limit on the Council's Current Account was exceeded on 9th December for one day. The balance was £15M. This happened because the whole of the Council's IT systems were down for the majority of the day. When the systems were operational in the afternoon, the cut off times for placing investments had passed. As we thought that the unavailability would only be for a short period, we did not look at alternative options for moving the funds.

Investments placed by Cash Managers – the Council used an external cash manager to invest some of its longer term cash balances, where the rate achieved (after fees) was better than could be obtained by the Council directly. At the start of the year, Tradition had £4.5m of outstanding investments. This reduced to £3.5m by the end of the year. These investments generated £10.3K of interest.

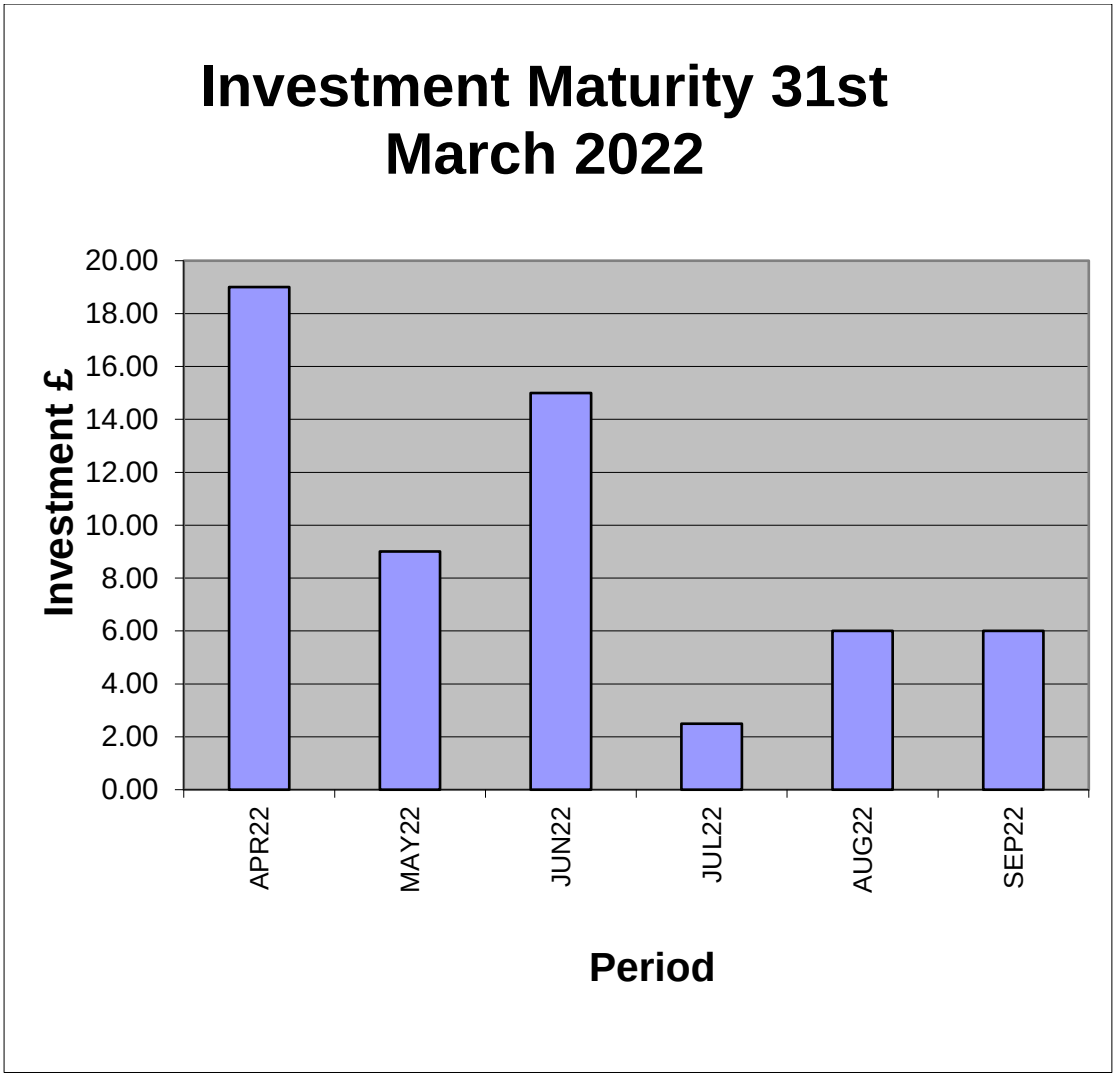
The pie chart below shows the spread of investment balances as at 31 March 2022. This is a snapshot in time that demonstrates the diversification of investments.



The average daily balance of investments was £60.9m with balances varying between £45.5m and £76.0m.

£0.075m of interest was generated from investments during the year. This is slightly more than the estimated interest of £0.066m (as per Quarter 3 forecast).

The graph below shows the maturity profile of investments at 31st March 2022.



The level of risk of any investment will be affected by the riskiness of the institution where it is invested and the period that it is invested for. Where an institution has a credit rating this can be used to measure its riskiness. This can be combined with the period remaining on the investment to give a historic risk of default percentage measure. The table below shows the Historic Risk of Default for outstanding investments at 31 March. The most risky investment still has a risk of default of only around 0.04%. It should also be noted that in general the interest rate received is correlated to the risk, so the interest income received would be less if it took on less risk. All investments have been made in accordance with the Investment Strategy.

Borrower	Interest Rate %	Principal	Days to Maturity from 31/03/22	Historic Risk of Default %	Risk of Default %
DMO	0.55	3,000,000	3	0.02	0.000
DMO	0.55	4,000,000	5	0.02	0.000
DMO	0.55	6,000,000	5	0.02	0.000
DMO	0.205	1,000,000	18	0.02	0.001
DMO	0.465	3,000,000	18	0.02	0.001
BARCLAYS	0.29	1,000,000	27	0.05	0.004
SANTANDER UK	0.34	1,000,000	28	0.05	0.004
ABERDEEN CITY COUNCIL	0.26	3,000,000	48	0.02	0.003
DMO	0.495	4,000,000	48	0.02	0.003
NAT WEST	0.46	2,000,000	60	0.05	0.008
YORKSHIRE BUILDING SOCIETY	0.22	3,000,000	61	0.05	0.008
WEST DUNBARTONSHIRE COUNCIL	0.05	5,000,000	77	0.02	0.005
ASHFORD BOROUGH COUNCIL	0.48	4,000,000	80	0.02	0.005
NORTH NORTHAMPTONSHIRE COUNCIL	0.60	3,000,000	80	0.02	0.005
MARSDEN BUILDING SOCIETY	0.25	1,500,000	101	0.14	0.039
NATIONWIDE BUILDING SOCIETY	0.24	1,000,000	109	0.05	0.014
SANTANDER UK	1.00	1,000,000	139	0.05	0.018
MORAY COUNCIL	0.2	3,000,000	143	0.02	0.009
NORTH NORFOLK COUNCIL	0.95	2,000,000	152	0.02	0.010
BLACKPOOL COUNCIL	0.35	5,000,000	164	0.02	0.010
NAT WEST	0.39	1,000,000	167	0.05	0.021

FINANCE AUDIT AND RISK COMMITTEE
15 June 2022

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: RISK MANAGEMENT UPDATE

REPORT OF: THE SERVICE DIRECTOR - RESOURCES

EXECUTIVE MEMBER: FINANCE AND IT

COUNCIL PRIORITY: ALL

1. EXECUTIVE SUMMARY

To provide the Committee with an update on risk management, including the Annual Report on Risk Management for 2021-22.

2. RECOMMENDATIONS

2.1. That the Committee recommends to Cabinet the introduction of a new Corporate Risk relating to Council Resourcing.

2.2. That the Committee notes and refers the Annual report on Risk Management to Cabinet and then Full Council.

3. REASONS FOR RECOMMENDATIONS

3.1. The responsibility for ensuring the management of risks is that of Cabinet.

3.2. This Committee has responsibility to monitor the effective development and operation of Risk Management.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. There are no alternative options that are applicable.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. Consultation has been undertaken with Leadership Team and the Risk Management Group (RMG). This includes the Executive Member for Finance and IT as Risk Management Member Champion and these recommendations were supported. Lead Officers discuss these risks with the relevant Executive Member.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision first notified on the Forward Plan on the 10 May 2022.

7. BACKGROUND

7.1 At the March meeting, the Committee discussed:

- The proposed Council Delivery Plan for 2022-23 and the implications for Risk Management
- The situation in Ukraine, and whether there should be a corporate risk.

8. RELEVANT CONSIDERATIONS

8.1. The Risk Management Group met on 11 May 2022. The agenda included:

- Discussion about resilience planning
- Annual report on Risk Management 2021-22
- Proposed new risks
- Updates from Internal Audit (SIAS), Health and Safety and Insurance
- Highlighting the need to discuss the Terms of Reference of the group at the next meeting- to include the wider focus on the Council Delivery Plan

8.2 The Annual Report on Risk Management for 2021-22 is attached at Appendix A and the Committee are asked to recommend the report to Cabinet, who in turn will be asked to recommend it on to Full Council. The production of this report helps to emphasise the importance of Risk Management, and the activities that are put in place to support it.

8.3 A new risk was presented to the Risk Management Group in relation to Council Resourcing. The Pentana extract for the new risk is shown below. The risk was originally considered in relation to the conflict in Ukraine, but deliberately takes a wider focus to include wider implications (e.g. Cost of Living). It also reflects that the Council generally has very little spare capacity to take on additional burdens, and where it does it will have an impact on the delivery of other work. It is proposed that this is adopted as a over-arching Corporate risk, given the potential impacts on the delivery of the Council Delivery Plan.

Risk Code	RR578	**Risk Title**	Resourcing
Risk Owner	Ian Couper	**Updated By**	
Year Identified	2022	**Council Objective**	People First
Risk Description	Vital additional actions require resources (e.g., staff and financial) to be redirected to enable them to be provided, which affects the delivery of other projects within the Council Delivery Plan. In the short-term, this is likely to include supporting the Homes for Ukraine scheme and providing financial hardship support.		
Ongoing Work	Risk mitigations:		

	- Consider getting in additional staffing resource (especially where New Burdens funding available). - Signposting to external resources and support. - Process automation.		
Current Overall Risk Score	8		
Current Impact Score	3	**Current Likelihood Score**	2
Current Risk Matrix		**Target Risk Matrix**	
Date Reviewed	29-Apr-2022	**Next Review Date**	29-Jul-2022

8.4 Under the new process for the monitoring of the Council Delivery Plan, the Overview and Scrutiny Committee will take on the monitoring of those risks affecting the delivery of the Plan. This Committee will focus on its role (as set out in the Constitution) of "monitor[ing] the effective development and operation of risk management". To achieve this, the Committee will receive a mid-year (in December) and end of year (in June) report. The June report will focus on the Annual Report of Risk Management. It was highlighted that the next meeting of the Risk Management Group will need to consider the content of the mid-year update. Members of this Committee will also asked to comment.

9. LEGAL IMPLICATIONS

9.1. The Committee's Terms of Reference include "to monitor the effective development and operation of risk management and corporate governance, agree actions (where appropriate) and make recommendations to Cabinet" (Constitution 10.1.5 (u)).

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from this report. However, it should be noted that there are issues linked to the Resourcing risk (e.g. Cost of Living and inflation) that will affect the Council's financial situation.

11. RISK IMPLICATIONS

11.1. The Risk and Opportunities Management Strategy requires the Finance Audit and Risk Committee to consider regular reports on the Councils Corporate Risks. Failure to provide the Committee with regular updates would conflict with the agreed Strategy and would mean that this Committee could not provide assurance to Cabinet that the Councils identified Corporate Risks are being managed.

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. Reporting on the management of risk provides a means to monitor whether the Council are meeting the stated outcomes of the district priorities, its targets or delivering accessible and appropriate services to the community to meet different people's needs. The risks of NHDC failing in its Public Sector Equality Duty are recorded on the Risk Register. The Councils risk management approach is holistic, taking account of commercial and physical risks. It should also consider the risk of not delivering a service in an equitable, accessible manner, and especially to its most vulnerable residents, such as those who are homeless.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1.1 The proposed Resourcing risk highlights the potential impact on staff of taking on new tasks.

16. APPENDICES

16.1. Appendix A – Annual report on Risk Management

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1. None

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Annual Report on Risk Management

April 2021 to March 2022

A progress report on Risk Management at North Herts Council

Annual Report on Risk Management
April 2021 to March 2022

1. Introduction
2. Recommendations
3. Overview
4. Significant Changes to Corporate Risks
5. Review of the Risk Management Framework
6. Risk Awareness and Appetite
7. Insurance Review
8. Business Continuity
9. Health and Safety
10. Achieving the Key Actions for 2021/22
11. Key Actions for 2022/23
12. Conclusion
13. Definitions
14. Summary Matrix of Corporate Risks – March 2022

Annual Report on Risk Management
April 2021 to March 2022

1 Introduction

1.1 This report provides Council with a summary of risk management at North Herts Council during 2021/22. The 2020/21 report was presented to Council on 8 July 2021.

1.2 It aims to:

- Confirm the Council's commitment to managing risks and considering associated opportunities to enable the achievement of its objectives and the successful delivery of its projects, initiatives, and services.

- Summarise changes to the Council's Corporate Risks.

- Summarise the progress of previously identified actions and propose additional actions for 2022/23 that will further enhance the Council's Risk Management Framework.

2 Recommendations

2.1 Council notes the continuing development of the Risk Management Framework, which supports the overarching governance framework.

2.2 Council notes the changes to the Corporate Risks during 2021/22.

3 Overview

3.1 Throughout 2021/22, the Finance, Audit and Risk (FAR) Committee received quarterly reports on the management of Corporate Risks and associated risk issues, and where necessary, referred items to Cabinet.

3.2 From 2022/23, the reporting arrangements for key risks will change. In March 2022, Cabinet agreed that risks impacting on the delivery of the Council Plan and linked projects will now be reported to the Overview and Scrutiny (O&S) Committee, along with details of projects and associated performance indicators. This forms part of the new Council Delivery Plan combined performance monitoring arrangements. Although the FAR Committee will no longer receive quarterly reports on specific risks, it will receive reports relating to the development and operation of the Council's strategic approach to risk management. In addition, the Chairs of both the FAR and O&S Committees will be invited to quarterly Risk Management Group (RMG) meetings, so they will have the opportunity to comment on specific items there.

3.3 The Executive Member for Finance and IT in their role as the Member Risk Management Champion was a regular attendee at the quarterly RMG meetings. The items discussed at these meetings informed the content of the committee reports.

3.4 The RMG is chaired by the Service Director – Resources, the Officer Champion for Risk Management, who is responsible for the risk management function at a strategic and operational level. This function is delivered by the Controls, Risk and Performance Manager and the Performance and Risk Officer, including the provision of training and support to Officers and Members.

3.5 During the year, no new Corporate Risks were introduced, none were archived, and one overall risk score was changed. One Corporate Risk was reclassified as an Operational Risk. Section 4 provides further details.

3.6 Hertfordshire County Council (HCC) delivers the Council's insurance services and their Risk and Insurance Manager attends RMG meetings. This enables the Council to obtain an insight into emerging risks and issues at both HCC and other Hertfordshire local authorities. The SIAS Client Audit Manager also attends RMG meetings, helping to inform the group's understanding of wider risk issues.

4 Significant Changes to Corporate Risks

4.1 The Corporate Risks are the responsibility of the Leadership Team and Cabinet, with Cabinet ensuring the risks are managed appropriately and proportionately. These key risks were those that cut across the delivery of all services, related to key projects or could significantly affect the delivery of Council objectives. They were likely to require a high level of resources to manage and needed to be monitored at a strategic level.

4.2 The quarterly reporting of Corporate Risks to Cabinet via the FAR Committee allowed details of the top risks facing the Council and how we were managing them to be approved and monitored accordingly.

4.3 The following paragraphs highlight significant changes to Corporate Risks reported to the FAR Committee and Cabinet last year.

Reclassified Corporate Risks

4.4 **Impact of Anti-Social Behaviour on Council Facilities (December 2021)**
The proposal to downgrade the risk from a Corporate Risk to an Operational Risk was approved, as actions implemented had resulted in a positive impact, evidenced by a reduction in the number and scale of issues.

Changes to Corporate Risk Scores

4.5 As part of the regular review process, officers re-assessed the impact and likelihood scores of the Corporate Risks. Section 13 of this report details the definitions used for assessing these scores, which aim to ensure a consistent approach.

4.6 **Brexit (EU Transition) (June 2021)**
The FAR Committee recommended the proposal to reduce the risk score from 9 to 5, as although there were still complexities associated with the EU transition, the Council was dealing with the related issues in an effective way. Cabinet subsequently approved this.

4.7 Section 14 presents a summary risk matrix, which shows the position of each Corporate Risk as reported to and noted by the FAR Committee on 16 March 2022 (i.e., the last meeting of the year).

5 Review of the Risk Management Framework

5.1 This was reported to the FAR Committee and Cabinet in December 2021. As the Risk Management Framework was only introduced in 2020/21, the review was relatively light touch. The changes reflected the new Council identity, changes to job titles and group names, and the introduction of the e-learning module and risk toolkit intranet page. The updated Framework also included the introduction of a risk questionnaire to be completed as part of the annual service planning process, which has subsequently been incorporated into the new Council Delivery Plan data collection template. This formed part of wider proposals to create and monitor an integrated Council Delivery Plan, which aims to integrate performance, risk, and project monitoring procedures. These wider proposals were subsequently approved by Cabinet and introduced for 2022/23.

6 Risk Awareness and Appetite

6.1 The Council is committed to the proactive identification and management of key external and internal risks that may affect the delivery of objectives. This allows us to be risk aware, understanding that risks may increase as services evolve and more commercial opportunities are developed and undertaken.

6.2 The Council's risk appetite is its willingness to accept risks to realise opportunities and achieve objectives. We must take risks and 'be brave' to evolve and to continue to deliver services effectively, deciding what risks we want to take and what ones we want to avoid, whilst acknowledging that we cannot or should not avoid all risks. The Risk Management Framework recognises that risks accompany all new objectives and opportunities and it provides guidance on managing them appropriately.

6.3 The Council will have a range of different appetites for different risks depending on the circumstances and these will vary over time. The Risk Management Framework specifies that we will actively manage and monitor risks scoring 4 or higher on the risk matrix. This includes monitoring the completion of risk management activities and assessing their effectiveness.

6.4 As reported to the FAR Committee on 16 March 2022, 12 Corporate Risks had a score of 4 or above:

- Covid-19 -Leisure Management Contracts - 9
- Local Plan - 9
- Managing the Council's Finances - 9
- Novel Coronavirus (Covid-19) - Recovery - 9
- Cyber Risks - 8
- Delivery of the Waste Collection and Street Cleansing Services Contract - 8
- Sustainable Development - Neighbouring Authorities - 8
- Income Generation - 7
- Increased Homelessness - 7
- Sustainable Development - National and Regional Planning Issues - 7
- External Factors Affecting the Future Provision of Waste Services – 6
- Brexit (EU Transition) - 5

6.5 The FAR Committee has a role in monitoring how effectively the Council delivers against its strategic approach to risk appetite.

7 Insurance Review

7.1 Hertfordshire County Council handles the Council's insurance arrangements under a shared service arrangement. The arrangement was subject to an internal audit review in 2019/20 and the final report gave a satisfactory overall assurance level.

7.2 The Council transfers some financial risks to its insurers. Public liability insurance provides the Council with insurance cover for claims made by the public for personal injury and/or property damage. These are each subject to a £10,000 excess that is charged to the responsible service area. Areas that have been subject to a claim are identified and wherever possible, action is taken to prevent future damage to property or personal injury.

7.3 Seven claims were received from the public relating to the policy year 2021/22, as at 31 March 2022. Although claims are made, these are not always successful for the claimant, as payments of compensation are made only when there is a proven legal liability.

7.4 The Municipal Mutual Insurance (MMI) Scheme of Arrangement was triggered in 2013 and the Council now pays 25% of any new claims dating back to the period that MMI was the Council's insurer (1974 to 1993). The Council's Financial Risks make provision for any new claims and any further levy demands relating to the period that MMI were the Council's insurers. As at 31 March 2022, there are no outstanding claims with MMI.

8 Business Continuity

Business Continuity Work Programme

8.1 A new Resilience Team structure is now in place, following a review in July 2021 and the retirement of the previous Emergency Planning Officer in September 2021, and includes a part-time Resilience Manager and full-time Resilience Officer. The Council has withdrawn from the Hertfordshire Authorities Resilience Partnership (HARP) with effect from April 2022. The new Resilience Manager will provide the training and exercise sessions that would have previously been facilitated by the HCC Resilience Officer under the HARP agreement.

8.2 Since early 2020 the annual work programme had been suspended due to the response to the Covid-19 pandemic. Following the establishment of the new Resilience structure in September 2021 the Resilience work programme has been reviewed and has now resumed.

Business Impact Analysis Review 2022

8.3 The Council has identified (from a Business Impact Analysis process) the critical service functions which must be continued in the event of severe internal business disruption. This is based upon identified risks to service delivery, safety, financial loss, performance, reputation and environment. Leadership Team monitor the critical service functions, while Service Directors have responsibility for lower level risks in their service areas. The critical functions identified are then included in Service Business Continuity Plans. The critical functions identified, with effect up to April 2022 were:

- Burials
- Careline
- Emergency Planning
- Housing – Dealing with homelessness approaches and rough sleepers
- Customer Service
- Communications

- IT
- Safeguarding – Managing alerts/concerns
- Revenues and Benefits - Payments
- Waste Management - Waste Contract/Loss of Buntingford Depot
- Environmental Health response

8.4 A full Business Impact Analysis review was commenced by the Resilience Team in April 2022. The process will provide an updated list of critical service functions and lower level risks for each Directorate. Service Business Continuity Plans for critical functions will be reviewed and an updated template provided for services to use.

8.5 The Civil Contingencies Act places a statutory responsibility on the Council, and all Category 1 responders, to maintain business continuity plans to ensure that 'they can continue to exercise their functions in the event of an emergency, so far as is reasonably practicable'. Our comprehensive Business Continuity Plan structure consists of a number of plans:

- The Resilience Plan providing direction on the Council's response to an emergency or to a major business disruption
- Corporate Level Cross Council Plans:
  - IT Recovery Plan
  - Recovery Plan
  - Pandemic Plan
  - Communications Plan
  - Mass Staff Absence Plan
- Operational Service Continuity Plans for critical service functions

These plans will be reviewed during 2022 taking into account learning from the response to the Covid-19 pandemic and recent audit reports. The development of a 'Loss of Building' plan being drafted pre-pandemic will also be reviewed in light of working experiences during the pandemic.

8.6 Once all the business continuity plans have been reviewed and updated, a training programme will be provided. The programme will include business continuity training for staff and a series of exercises to test the new arrangements. Exercises will include business continuity tabletop and discussion based exercises to test corporate arrangements, and service level exercises.

Working in Partnership

8.7 The Hertfordshire Local Resilience Forum takes a lead role in Business Continuity Planning and therefore promotes a broader understanding of issues. Council officers have good relationships with local organisations and contractors. The Council works closely with neighbouring authorities on other topics such as cybercrime, reception centres, managing equipment, and mutual aid.

Business Continuity Promotion

8.8 Business Continuity awareness work has been focused on promoting Government and Public Health guidelines regarding Covid-19. With the return to a normal work programme this year, awareness activities will be reviewed. Promotional work will include topics such as Business Continuity Awareness Week, which takes place on 16-20 May 2022 with the theme 'Building Resilience in the Hybrid World'.

8.9 Business Continuity information is available on the Council website along with links to additional advice and guidance from HCC and Government.

9 Health and Safety

9.1 This section focuses on the latest Health and Safety updates and therefore includes activities that have continued in to the 2022-23 year.

9.2 The focus for elections was once again on delivering them in a Covid safe way. Health and Safety were involved in reviewing all the risk assessments that were produced last year and to make changes to the existing controls to ensure current legislation and Central Government guidance was considered. Following the review, the decision was taken to keep the majority of controls in place at the polling stations and for the count, with a few adjustments made to the provision of screens. Greater emphasis was placed on guidance and advice where the statutory requirement for certain controls had been lifted i.e., wearing of masks in indoor areas, social distancing etc.

9.3 Risk assessments around the use of the District Council Offices main building have also been subject to review following the decision to reopen the building for greater occupation. The risk assessment for the use of the Council Chamber and meeting rooms has also been reviewed and the controls updated to allow greater use of the areas with the move away from “you must” to “strongly advised” where there have been changes in guidance from Central Government.

9.4 A project is underway to review the Council’s approach to risk assessment. This will include a new risk assessment template design along with updated risk assessment guidance for managers.

9.5 Another project is looking at the Council’s Incident Register, including updated guidance around the use of the stored information to ensure it is in line with GDPR but still be able to provide important health and safety information to all staff that would need it. The project will also be looking at the suitability of the current “Incident register app”, which will consider the current design and which staff it is made available to. Communication of updated information will also be considered during the review.

9.6 The contract to provide statutory Display Screen Equipment (DSE) risk assessments to staff has been renewed for a further three years and this will allow staff to continue to access the software and carry out their own DSE self-assessments with after assessment support being supplied via the software and by the Council’s DSE assessor.

10 Achieving the Key Actions for 2021/22

10.1 Last year’s Annual Report detailed the following key actions for 2021/22 to enhance the Risk Management Framework:

Action	Due Date
Ensure that 100% of Risk Owners and Risk Assignees complete the Risk Management e-learning module.	30/09/21
Continue work with Officers and Councillors on what the Council’s risk appetite is and ensuring that actions reflect that target.	31/03/22
Ongoing development of the Risk Management toolkit.	31/03/22
Annual review of the Risk Management Framework documents.	31/03/22

10.2 Further targeted promotion of the e-learning module is underway, as not all current Risk Owners and Risk Assignees have completed it (currently a 58% completion rate). In practical terms, the Performance & Risk Officer continues to provide guidance and support to officers undertaking risk reviews.

10.3 Discussions on risk appetite have taken place, particularly among the Officer Leadership Team and the Officer/Cabinet Leadership Team. This has determined that we will assess our risk appetite on a project-by-project basis. This allows the benefits of a project to be balanced against both the resources and risks involved. Overall the aim is for the Council to be risk aware, and take appropriate risks.

10.4 Although work to develop the Risk Management toolkit continued, only limited progress was made due to competing priorities. Development and enhancement of the toolkit will be a priority during the coming year, and it will then continue to be updated on an ongoing basis.

10.5 As detailed in Section 5, a review of the Risk Management Framework documentation was undertaken in late 2021 and this was reported to Members in December 2021.

11 Key Actions for 2022/23

11.1 The implementation of the following actions in 2022/23 will ensure the continued development of risk management at the Council:

Action	Due Date
Undertake the annual review of Risk Management Framework documentation.	31/12/22
Continue to develop the Risk Management toolkit throughout the year.	31/03/23
Refine the new Council Delivery Plan combined performance monitoring arrangements throughout the year.	31/03/23
Undertake Insurance tender.	31/03/23
Completion of Performance Management Framework guidance documents (action will span more than one year, as requirements evolve).	31/03/24

12 Conclusion

12.1 The Council continued to implement the Risk Management Framework throughout 2021/22, including reviewing and reporting key risks. This, along with the further enhancement of related processes and practices, ensures a comprehensive understanding of the risks faced. This allows us to be risk aware and to determine the most cost-effective way to manage risks and exploit opportunities.

13 Definitions

13.1 The following diagram highlights the definitions of likelihood and impact used in the Risk Management Framework.

4 Likelihood High (3) Impact Low (1) **Chance of it happening -More than 60%** **Consequences - Minor**	**7 Likelihood High (3) Impact Medium (2)** **Chance of it happening - More than 60%** **Consequences - Noticeable effect on the Council**	**9 Likelihood High (3) Impact High (3)** **Chance of it happening - More than 60%** **Consequences - Significant impact on the Council**
2 Likelihood Medium (2) Impact Low (1) **Chance of it happening – between 20 – 60%** **Consequences - Minor**	**5 Likelihood Medium (2) Impact Medium (2)** **Chance of it happening – between 20 – 60%** **Consequences – Noticeable effect on the Council**	**8 Likelihood Medium (2) Impact High (3)** **Chance of it happening – between 20 – 60%** **Consequences – Significant impact on the Council**
1 Likelihood Low (1) Impact Low (1) **Chance of it happening – less than 20%** **Consequences - Minor**	**3 Likelihood Low (1) Impact Medium (2)** **Chance of it happening – less than 20%** **Consequences – Noticeable effect on the Council**	**6 Likelihood Low (1) Impact High (3)** **Chance of it happening – less than 20%** **Consequences – Significant impact on the Council**

14 Summary Matrix of Corporate Risks - March 2022

14.1 As reported to and noted by the FAR Committee on 16 March 2022.

Likelihood	1 Low	2 Medium	3 High
3 High	4	7 • Income Generation • Increased Homelessness • National and Regional Planning Issues	9 • Local Plan • Managing the Council's Finances • Novel Coronavirus (Covid-19) – Recovery • Covid-19 - Leisure Management Contracts*
2 Medium	2	5 • Brexit (EU Transition)	8 • Cyber Risks • Delivery of the Waste Collection and Street Cleansing Services Contract • Sustainable Development - Neighbouring Authorities
1 Low	1	3	6 • External Factors Affecting the Future Provision of Waste Services

Impact

* The Leisure Management Contracts risk score was reduced from 9 to 8 between the last Risk Management Group in February and the end of the year. This reflected the generally improving position. As this will no longer be a Corporate Risk (in this format) from April 2022, Cabinet are not being asked to approve this change in the risk score.

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CABINET
21 JUNE 2022

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: CARELINE – IN-HOUSE PROVISION FOR NON-COMPLEX INSTALLATION AND MAINTENANCE

REPORT OF: **SERVICE DIRECTOR CUSTOMERS**

EXECUTIVE MEMBER: CLLR JUDI BILLING, EXECUTIVE MEMBER FOR COMMUNITY ENGAGEMENT

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

1.1 This report seeks Cabinet approval for the Careline service to establish a full in-house service providing non-complex installation and maintenance to Careline customers.

1.2 This service is currently being provided by an external company who wish to terminate the contract early on 30 September 2022 and have formally given notice to this effect.

1.3 As part of the service expansion in 2021, Careline took on a small technical team who have been providing elements of this service at a smaller scale, therefore a proof of concept has already been achieved.

2. RECOMMENDATIONS

2.1. That Cabinet approves a full in-house service provision being established for non-complex installations and maintenance to commence from 01 October 2022.

3. REASONS FOR RECOMMENDATIONS

3.1 The details are contained in the Part II report

4. ALTERNATIVE OPTIONS CONSIDERED

4.1. The details are contained in the Part II report

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1. Executive Member for Community Engagement (which now includes Careline in the portfolio) Cllr Judi Billing has been consulted as has the Deputy Executive Member, Cllr Chris Lucas.

5.2. Consultation had taken place with the previous Executive Member for Housing and Environmental Health Cllr Gary Grindal and Deputy Executive Member, Cllr Sean Prendergast, as well as previous shadow Executive Member, Cllr Adam Compton, all of whom have expressed support for this approach.

5.3. The Leader of the Council, Cllr Elizabeth Dennis-Harburg and Executive Member for Finance and IT, Cllr Ian Albert have been consulted and support this approach.

5.4. The Strategic Lead, Assistive Technology at Hertfordshire County Council has been consulted and favours an in-house offering.

6. FORWARD PLAN

6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 25 April 2022.

7. BACKGROUND

7.1. Careline has been providing Telecare services since 1982 both within the County of Hertfordshire and Nationally for other councils, registered social landlords and private entities. The service is well respected within the field of Telecare and has built a reputation for offering a good quality of service within the security of a local government regulated environment.

7.2. Careline has been contracted by Hertfordshire County Council (HCC) since 2014 under a SE9EA agreement to provide countywide provision of Assistive Technology (AT) services. The service relies on the provision of technologies within the service users dwelling. Since that time HCC decided to make Careline its sole provider of Assistive Technology services and a new five-year agreement was entered into in 2021.

7.3. Careline acts as HCC's delivery, installation, maintenance, response and monitoring partner for the implementation of AT solutions throughout the County. Careline and HCC work in partnership to service the legacy solutions whilst developing new and innovative models of support utilizing data analytics, machine learning, artificial intelligence etc., to predict and resolve potential crises before they develop.

7.4. The new contract with HCC saw an additional 3,300 clients transfer across to Careline and with this brought additional requirements for maintenance services.

7.5. Careline contracts out its installation and maintenance services to two different companies, one that caters for complex needs one that caters for non-complex needs. The contract that this report refers to is for non-complex needs.

8. RELEVANT CONSIDERATIONS

8.1. Careline has been contracted since 2014 under a SE9EA agreement by HCC to provide countywide provision of Assistive Technology services. The service relies on the provision of technologies within the service user's home. These are installed by technicians who carry out in person visits to the service user's home. Additionally, there

are some ancillary support elements that are conducted either at the time of installation or through the life of the service provision such as form filling and battery replacements.

8.2. When the service expansion took place in 2021, the client base increased by 3,300, The current supplier were not able to take on the additional work without a contract re-negotiation. As we had a small number of staff TUPE from HCC/Serco who had the technical skills, Careline was able to establish a small in-house service to fulfil the technical aspects of the new client installations. This resource has primarily focussed on switching over devices from analogue to digital ahead of the national analogue switch off in 2025.

9. LEGAL IMPLICATIONS

9.1. The provision and management of the Careline function is delegated to the Service Director Customers except those reserved to Council, Cabinet or a Committee as set out at 14.6.7 b (i) of the Constitution.

9.2. Under the terms of reference for Cabinet, the Constitution states at 5.6.3 that Cabinet are to take decisions on resources and priorities, together with other stakeholders and partners in the local community.

9.3. Additionally, at 5.6.15 that Cabinet oversee the provision of all the Council's services other than those functions reserved to the Council.

9.4. Under section 3 of the Local Government Act 1999 the Council has a general 'best value' duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

9.5. Whatever the course of action the Council decides to take, it will be necessary to engage legal support in terms of engaging with the incumbent provider regarding possible staff transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE), if applicable, either to the Council (if the service is brought in-house in line with this recommendation) or any replacement/alternative provider.

10. FINANCIAL IMPLICATIONS

10.1 The details are contained in the Part II report

11. RISK IMPLICATIONS

11.1 The details are contained in the Part II report

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. This report recommends NHDC providing a service to users of Careline who in the main will have a protected characteristic, the recommendation to bring the service in-house

will ensure those with a protected characteristic are able to receive the support of the Careline service and benefit from the independence the service affords its users.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 An Environmental Impact Assessment has been undertaken and the environmental impacts of the proposal are positive, the positive impacts include the use of electric vehicles, potentially less driving through more efficient routing of jobs and increased levels of equipment refurbishment to reduce landfill.

15. HUMAN RESOURCE IMPLICATIONS

15.1 The details are contained in the Part II report

16 APPENDICES

16.1 None

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

18.1 None

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of the Local Government Act 1972.

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