

Hitchin Forum Summary of Case

Hitchin Forum opposes the granting of the DCO in respect of Luton Rising's proposal to increase passenger numbers to 32m ppa by 2043.

1. The proposal will negatively impact Hitchin and its residents because

- It will inevitably increase aircraft noise over Hitchin due to an increase in flights in a way that is unquantifiable at present (e.g. due to airspace changes over the course of the proposal) but which will reflect the increased noise impact in the immediate area of the airport.
- It will increase traffic through Hitchin which is already congested. The area most likely to be impacted by the proposals - the A602/A505 corridor - is subject to Hitchin's two active Air Quality Management Areas.
- It will further degrade the amenity value of the Lilley Bottom area of North Hertfordshire, both as a result of noise due to overflights, and additional traffic on roads which are unsuitable for significant traffic.

2. The proposal is not sustainable.

In the National Planning Policy Framework, sustainable development is defined as 'Development that meets the needs of the present without compromising the ability of future generations to meet their own needs'.

We believe the proposal fails to meet the criteria for sustainable development in that it

- Is based not on present need, but on the assumption of a continued ever-increasing demand for cheap international flight which is mainly for the leisure purposes (the 2018 Civil Aviation Authority survey found only 11% of passengers at Luton were flying for business purposes, the remainder for leisure) in the process off-shoring the tourist revenue that might otherwise accrue to the UK economy.
- Compromises the ability of present and future generations of local residents to meet their own needs by damaging their health and wellbeing (through noise, traffic congestion and poor air quality) and reducing the tranquillity of a high quality area of countryside which is valued for its recreational benefits.
- Perpetuates the disproportionate reliance of the local economy on aviation which is vulnerable to shocks such as Covid 19, ignoring the need for diversification.
- Facilitates the continued increase in scope 3 in-flight carbon emissions (over which Luton Rising claims to have no control) and which is of ever increasing concern given the recent announcement that we are likely to see the 1.5°C rise in average global temperatures reached in the next 5 years.
- Would be vulnerable to any changes in government policy (with regard to scope 3 in-flight carbon emissions, for instance) and market forces over the period covered by the plans, reducing the demand for air travel so that the expanded airport becomes unviable, leaving Luton and its neighbours blighted by an inefficient concrete stranded asset, too expensive to modify, demolish or maintain.

3. Green Controlled Growth will be ineffective in preventing harmful impacts.

Unless otherwise stated, paragraph numbers in this section refer to document **7.07 GREEN CONTROLLED GROWTH FRAMEWORK EXPLANATORY NOTE**

Luton Rising's Green Controlled Growth Strategy continues to prioritise growth in passenger numbers whilst being ineffective in preventing harmful environmental impacts.

Action to halt expansion is dependent on limits being breached in four areas. We will focus on flight noise and air quality due to increased surface access in our final detailed submission. For the purposes of this preliminary submission we will illustrate our argument with respect to aircraft noise during operation where necessary.

Paragraph 1.4.13 sets out the principle of the mechanism by which impacts will be controlled: *'By including Level 1 and Level 2 Thresholds in the GCG Framework, growth will be required to be planned, and steps to be taken before a Limit is reached, with the ultimate intention that this early action avoids the Limit being exceeded. By taking this proactive approach, it will ensure that the plans for growth are adjusted in response to the prevailing circumstances at the time, rather than waiting for a problem to occur and then reacting.'*

3a. Limits and thresholds are set too high and close together: there will be a time lag after damaging impacts have occurred before any action to halt growth is taken

- **Para 1.2.5 of the Green Controlled Growth Framework** states *'Note that while the Phase 1 is the point at which commercial throughput reaches 21.5 mppa, the value of the Limit for this phase is based on the faster growth case, which assumes a passenger throughput of 23 mppa and which represents a 'reasonable worst case'.* That a 'reasonable worst case' is regarded as acceptable implies the relative priority given to growth compared to environmental damage.
- **Para 3.1.10** also demonstrates that this approach ensures that growth is prioritised and therefore impact will be maximised during each phase of development.
- The relationship between limits and thresholds in **table 3.1** is misleading. **Note 3** explains that, rather than threshold 1 being 90% and threshold 2 being 95% of the limit (as might reasonably be assumed) the actual values are percentages of the differences between the areas of the 'do nothing' and 'do something' contours. Thus both threshold values are closer to 98% or even 99% of the limit, with little difference between the threshold and the limit.
- These thresholds may therefore be so close to the limits that any actions triggered by exceeding them will already be too late to prevent a breach of the limit.
- Due to the retrospective nature of the necessary analysis and the publication of the annual report, it is likely that slots will have been allocated for the next year. Effectively, those living within the enlarged contours will have been subject to excessive noise for 2 years, even if growth is ultimately halted, which is not guaranteed. The time lag is admitted in **para 2.3.9**, which effectively contradicts the claim in Paragraph 1.4.13 quoted above *'Based on the availability of monitoring results, it is evident that performance against the Limits in one calendar year cannot inform the capacity declaration for the following year; rather the minimum lag is two summer seasons'.*
- There is potential for further delay in that the airport can appeal the process and contend that the breach is due to circumstances beyond its control.

3b. Scrutiny of the GCG process will lack independence and will therefore be insufficiently robust.

Much depends on the effectiveness of the apparently independent Environmental Scrutiny Group. Luton Rising claims that this is not *'..marking its own homework'*. To extend the metaphor, we believe that Luton Rising and the airport operator intend to choose the examiners, write the mark

scheme and determine the pass/fail borderline. They reserve the right to contest, and ignore, any recommended corrective actions which get in the way of growth.

3b(i) Luton Rising has a history of seeking to limit consultation and to ignore stakeholder concerns.

Luton Rising's approach to the work of consultation and independent groups is exemplified by the way in which it treated the proposals from the Noise Envelope Design Group (NEDG). *The Operational Noise Management (Explanatory Note) Appendix B of Noise Appendix 16.2* provides examples of the limitations of both the consultation on the NEDG's report and the way the airport treats community concerns expressed in such consultations. For example

- It constrained public consultation on the NEDG's report by accepting comments on just part of a draft report which was only circulated to a limited number of possible respondents. The section of the report was described as 'confidential', effectively suppressing any discussion within a community group.
- The focus of the consultation was unclear to the extent that respondents were unsure whether they were commenting on the Noise Envelope (NE) design process or on the Green Controlled Growth proposals. Luton Rising has decided to ignore stakeholder concerns by insisting on incorporating NE design into its GCG proposals.
- Community groups argued for several metrics to define the NE. Luton Rising has chosen to ignore these concerns, weakening the NE design and leaving open the possibility that noise from increased flights outside the summer period will not be taken into account in assessing noise impact.
- Luton Rising accepted the benefits of accelerated growth between 2014 and 2019 with no attempt to share them with those adversely affected, and has no intention to address the issue retrospectively. It is unsurprising that community groups question its intention to share such benefits that accrue in the future, especially as any mechanism for doing so has not been explained.
- The insistence on the use of 2019 contour areas (achieved as a consequence of a breach of previously agreed planning controls) as a baseline is further evidence of Luton Rising's bad faith.
- Community groups pointed out that an obvious way in which Noise Envelope design could be tested is to assess whether it would have prevented the noise breaches during the period of 2017-2019. Luton Rising has not carried out such an assessment.

3b(ii) The Environmental Scrutiny Group (ESG) will not be independent and have a restricted remit.

Paragraph numbers in this section refer to document 7.08 GCG FRAMEWORK APPENDIX A: DRAFT ESG – TERMS OF REFERENCE

The following are some of the provisions which will result in the ESG being subject to pro-airport bias with only second-hand knowledge of the day-to-day impact of the development

- **Para A2.1.5** makes it clear that Luton Rising and the airport operator may attend the ESG and make representations.
- **Paras A2.1.7 to A2.1.12** specify how the chair of the ESG will be appointed. The airport operator / Luton Rising control the appointment. They provide the shortlist of suitably qualified candidates to the Secretary of State. If the latter fails to make a decision within 56 days, the airport operator / Luton Rising choose a candidate. They specify the term of office, and if the chair is unable to attend, any substitute must be acceptable to them

- **Para A2.1.1** In addition to the chair, an independent aviation specialist and a representative of an aviation industry body, representatives of a number of District and Councils are mentioned. These representatives are to be unelected officers, thereby ensuring that the voices of those directly impacted will not be heard.
- **Para A2.3.3** enshrines the airport operator's right of appeal against decisions made by the ESG.
- **Para A3.2.2** *The ESG must accept the principle of the growth consented at the airport under the DCO and their functions shall be limited to considering how such growth aligns with the Limits.*

In summary.

The proposals will negatively impact Hitchin and its residents. They are unsustainable according to the commonly accepted definition of the term. Luton Rising seeks to use what it asserts is an innovative strategy – Green Controlled Growth (GCG) to control environmental impacts. We believe GCG will be ineffective because it is predicated on a predetermined plan to achieve maximum passenger and flight numbers as rapidly as possible. To this end its procedures will ensure that any remedial measures (such as reduction in flights) will lag the damage to the environment that they are apparently designed to prevent. Its oversight body, the Environmental Scrutiny Group, whilst ostensibly independent, will allow little direct representation from those most directly affected by increased flights. Luton Rising will effectively have power of veto over the ESG's membership.