



Papers for Parish Council Meeting on 26th September 2022

A 2 minutes silence will be held at the start of the meeting in remembrance of Her Majesty Queen Elizabeth II.

1. To receive and accept apologies for absence.

2. Chairman's remarks.

Members are reminded of the council's code of conduct and the requirement to make Declarations of Pecuniary Interest.

3. Declarations of Interest

For any Cllrs to declare an interest in any item on the agenda.

4. Public participation: To receive presentations from the public (10 minutes allowed, † pre-registration requested)

a. To receive a presentation from District Councillors (5 minutes allowed).

b. To receive a presentation from the County Councillor (5 minutes allowed).

5. To adopt the minutes of the parish council meeting held on 18th July 2022.

6. Matters arising from minutes of 18th July 2022 not covered elsewhere.

7. To receive the clerk's report including an update on ongoing projects.

CiLCA (Certificate in Local Council Administration)

I found out on the 17th September that I have passed the CiLCA course, which was a condition of my offer of employment with KWPC.

Screen and Projector

Screen arrived end July. Waiting for projector of which there is a delay in the supply.

New Councillor Course

Both Maria and Owen signed up for it. Part 1 is on-demand.

CPRE

Membership has been restarted.

Village Hall Security Lighting

Dave McNeilly has been asked to look at the security lighting.

MUGA Panels

These have been repaired by Jon as a matter of urgency – the mesh screens had lost some fastenings and were in danger of falling.



Noticeboard

This is now ready and the clerk has it.

CCTV

I have spoken to Hound Security and he will be coming to look at repositioning a couple of the cameras as discussed at the last meeting. Due to time away over the summer, he currently has a backlog of work but will get to it ASAP.

Changing Rooms

Invitations to tender have been sent out, 2 companies have been out to look at the changing rooms. Awaiting quotes.

8. To consider any grant applications

Grant application from Breachwood Pre School circulated separately.

9. Youth Club

- a) **To review entrance fee** – A suggestion has been made that due to the increased cost of living maybe we could have free entrance fee to help families out a little bit.
- b) **Second Youth Worker** – Frankie has handed her notice in and will leave at the end of September.

10. To receive report from the Events Committee

Date for Village Day proposed to be the 11th June.

11. Appoint new member to:

- a) **Youth Club Committee**
- b) **Employment Committee**
- c) **Airport Committee**
- d) **Representative at LLACC**
- e) **Drive Safe**

Due to the resignation of Cllr Graziano the above need new representatives.



12. To review and adopt

a) Vexatious Complaints Policy

b) Community Engagement Policy

These policies have been circulated separately.

13. Local Plan Update

The clerk has received the following from North Herts Council:

The Council received the Inspector's Final Report on the Examination of the North Hertfordshire Local Plan 2011 – 2031 on 8th September 2022.

The report sets out the Inspectors recommendation and the reasons for them. Receipt of the Inspector's Report completes the examination process. The Inspector's Report concludes that subject to a number of main modifications the North Hertfordshire Local Plan 2011 – 2031 is sound, legally compliant and capable of adoption. The main modifications are set out in an Appendix to the main report.

The Inspector's Report and the Schedule of Main Modifications are available for public inspection on the Council's [website](#).

The report is also available to view by appointment at the Council Offices and at the following libraries, during their normal opening hours; Baldock, Hitchin, Knebworth, Letchworth Garden City and Royston.

The Inspector's Report is for information only and no views or comments are invited.

Next Steps

The Council will now consider the Inspector's Report and the adoption of the Local Plan by reporting it to Full Council 'to be confirmed shortly' when a final decision will be made. The reports for this meeting will be published in due course [here](#).

14. To consider the siting of a bench at Ley Green in memory of Cllr David Bennett

Cllr King has been asked if the parish council would consider placing a bench at the Ley Green Recreation Ground in memory of Cllr David Bennett.

15. To consider Stopsley Sharks request to hire a Coffee Van on Saturday mornings

Stopsley Sharks have asked if they could hire a coffee van to set up in the car park on Saturday mornings for parents to use while matches are being played. They will organise the car park accordingly.



16. Airport Update

- a) **Receive report from Cllrs Chamberlin and Connolly on the Airport Tour 7th September 2022**
- b) **Receive Airport Update report from Andy Mills-Baker**

Andy Mills-Baker's notes on the LADACAN AGM – 15th September 2022

Andrew Lambourne led the meeting which was very polished with conduct of formal business plus a series of presentations from members of the committee responsible for the different aspects of the work of the group.

Andrew explained that LADACAN took on responsibility to be a Rule, 6 party at the Inquiry because LADACAN's request for this to be taken on by HCC was declined. They have this role in partnership with the local unit of the CPRE.

They have taken on the serious responsibility of representing all local communities in an extremely professional manner. They have raised a substantial sum of money to fund legal and professional advisors, including legal counsel, to support participation at the Inquiry. I don't think it's appropriate for me to disclose how much money, but it is certainly considerably more than any funds available to KWPC.

Andrew has encyclopaedic knowledge not only of the actions of LBC and the airport operator, but also the detail aspects of planning and the key points that need to be hammered home at the enquiry. He is a most impressive individual and he and the team will certainly give it their best shot. However, we have to recognise that we are up against extremely well resourced opponents, if you recall LBC have set a budget to cover their costs at over £600,000.

As you know, LADACAN have a representative on the airport consultative committee that meets to discuss noise and related issues. The committee member who handles this role is Louise Altrop, who happens to live in Oxford Road. Unfortunately, due to work commitments she will be stepping back from that role, but she is someone locally who can provide support going forward.

As you also know, the airport is currently consulting on airspace changes which will impact the flight paths for both landings and takeoffs. It is still at an early stage, but one of the proposals is to move easterly takeoffs further to the right and away from Breachwood Green. There is no certainty that this will happen and of course, as it was pointed out, there will be a balancing act between local communities. In this case, whilst reducing noise over BG, such a move may increase noise over Kimpton for instance.

And there was also a good discussion on the problems with LBC finances which I have shared with you in an earlier note. There is a real possibility that LBC could be placed under special measures.



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

LPA ref: 21/00031/VARCON

Appellant: London Luton Airport Operations Ltd

Public Inquiry

Luton And District Association for the Control of Aircraft Noise (LADACAN)

Statement of Case

23 May 2022

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1 Introduction

1. The Government's policy 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 technical developments and other benefits between industry, communities and all other stakeholders¹, yet by this Application the Appellant seeks to increase noise. Accordingly, LADACAN vehemently opposes the application made under s.73 of the Town and Country Planning Act 1990 for a new planning permission with different conditions from those under planning permission (15/00950/VARCON).
2. This Statement of Case builds on our representations in response to 21/00031/VARCON, along with those of Birketts LLP. We will draw on those, and the additional documents listed in the Annex.
3. The new planning permission would allow 19 million passengers per annum ("mppa") whereas the existing permission limits capacity to 18mppa. The application seeks to vary conditions 8 (Passenger Throughput Cap) and 10 (Noise Contours).²
4. Conditions 8 and 10 were each established for several essential reasons:

*8 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.*³

10 Reason: To safeguard residential amenity. To accord with the objectives of Policy LP1 and LLA1 of the Luton Local Plan and the National Planning Policy Framework.

5. It is our case that these reasons have not changed, and are even stronger today than in 2013 when agreed unanimously by the Development Control Committee, especially given the profligate disregard of the Airport Operator for these essential conditions designed to ensure development accorded with the fundamental policy requirements for protection, balanced growth and mitigation, and sharing the benefits of growth.⁴
6. Despite the high-profile nature of the Airport, planning consideration is straightforward: do the benefits outweigh the harm? In this case, the answer is very simple: they do not. The adverse impact of legitimising and continuing the unlawful and unmitigated breach of noise conditions through premature increase in capacity to reach the throughput limit nine years early⁵ is obvious and must be carefully guarded against. The only 'mitigation' proffered is no

¹ Air Navigation Guidance 2017, airspace noise, paragraph 4.2

² The Application also seeks to amend conditions 22 (Car Parking Management), 24 (Travel Plan) and 28 (Approved Plans and Specifications).

³ John Steel QC Legal Opinion Dec 2013, emphasised in the 12/01400/FUL Planning Meeting

⁴ See Aviation Policy Framework Executive Summary para 5, and body text paras 3.2, 3.12; and 3.13

⁵ See 2012 Revised Masterplan Sep 2012 sections 9.10 and 9.11; LLA RNAV consultation extract Apr 2014

such thing⁶. The *only* acceptable passenger cap agreed in 2013/14 for Project Curium was 18mppa⁷, and there is no reason to disturb that finding.

2 Legal and Policy Framework

7. Under s.70(2)(a) of the Town and Country Planning Act 1990, an LPA must have regard to the Local Development Plan when granting or declining planning permission. S.73 of the TCPA allows for an application for a new planning permission with different conditions.⁸ S.38(6) of the Planning and Compulsory Purchase Act 2004 provides:

*(6) 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.***⁹

8. With regards to the policy framework, all relevant policies acknowledge the benefits of airports maximising their existing capacity where *need has been demonstrated*.¹⁰
9. In addition, Local Plan policy LLP6 which concerns Luton Airport requires development to be in accordance with the Airport Master Plan. The 2012 Masterplan did not anticipate an increase in passenger numbers to 19mppa before 2031.¹¹ A new Master Plan¹² (MP19m) was adopted by the LPA Executive only a week before the 21/00031/VARCON Planning Meeting with no explanation as to why the extant Masterplan was out of date. As the meeting notes show¹³, the proposal was subject to barely any analysis and it is unsurprising that MP19m contains fundamental errors: it states the 2012 planning application was to ‘increase capacity to 18 million passengers per year by 2020’ (in contradiction to the 2012 Masterplan and para 80 of 5.7 DMC Item 7 London Luton Airport (Officer’s Report)); it adopts the current noise planning conditions 9-12 and 2019 Noise Action Plan (yet Condition 10 has been breached and this Application seeks to increase the contours, and the 2019 Noise Action Plan claimed compliance with contours while in breach¹⁴). Yet its environmental commitments were relied on when Members adopted it with remarkable haste¹⁵. Consequently, we respectfully request the Inspector to disregard MP19m when determining the current Application.
10. Moreover, every national and local policy concerning the airport are all clear that any ‘benefits’ must be weighed against the impacts and particular weight should be given to the impact on amenity in terms of noise:

⁶ See 5.6 DMC Amendment Sheet Nov 2021, para 129

⁷ 12-01400-FUL Decision notice 601554 Condition 10 (as then numbered); John Steel QC Opinion Dec 2013

⁸ This is sometimes erroneously referred to as an application to ‘vary’ conditions.

⁹ In the draft Levelling-up and Regeneration Bill, any departure from the development plan will require ‘strong’ indication otherwise.

¹⁰ Beyond the horizon Jun 2018, paragraph 1.29 requiring economic and environmental impacts to be weighed

¹¹ See paragraph 198 of the Officers’ Report

¹² Master Plan 19 mppa, London Luton Airport, Jan 2021

¹³ MP19m Decision Sheet Nov 2021, MP19m Impact Assessment Nov 2021, MP19m Officers Report Nov 2021

¹⁴ LLA Noise Action Plan 2019-2023, section 3 item 3.4 says ‘We will operate within our agreed contour area limits.’

¹⁵ LBC Exec MP19m adoption transcript 23 Nov 2021

- a. The Aviation Policy Framework (2013) (APF) states at paragraph 3.24 ‘the acceptability of any growth in aviation depends to a large extent on the industry *tackling* its noise impact’ (i.e. reducing and eliminating it). Moreover, improvements in aircraft are not to be used as a means of increasing capacity without reducing noise. The APF states at paragraph 3.3 ‘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’ At paragraph 3.28, the APF requires applicants ‘to consider new and innovative approaches such as noise envelopes or provision of respite for communities already affected’ when increasing capacity.
- b. Beyond the horizon – The Future of UK Aviation: Making Best Use of Existing Runways (2018) states that ‘the adverse impacts such as noise are mitigated where possible’ (paragraph 1.22)
- c. Paragraph 185a of the National Planning Policy Framework (NPPF) provides that development ‘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.’
- d. The Noise Policy Statement for England (NPSE) provides that ‘significant adverse effects on health and quality of life should be avoided’¹⁶ and that developments should ‘mitigate and minimise adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise’¹⁷.
- e. The PPG is clear that noise can override other concerns.¹⁸ The PPG is also clear that any noise assessment cannot be reduced to one metric and the number and frequency of occurrences, duration, character and time of day are also relevant.¹⁹ Moreover, the PPG acknowledges that noise compromises tranquillity and the enjoyment of gardens.²⁰ In addition, the PPG acknowledges that low altitude flying exacerbates noise and that mitigation may be required.²¹ Finally, the PPG introduces the concept of Unacceptable Adverse Effect which must be prevented (noise exposure hierarchy).
- f. Local Policy LLP38 (Pollution and Contamination) requires ‘appropriate mitigation if significant adverse impacts are identified’.

11. The Policy considerations relating to noise were neatly summarised in Appeal Decision 3256619 concerning the increase in ‘throughput’ at London Stansted Airport.²²

33. The overarching requirements of national policy, as set out in the National Planning Policy Framework (the Framework) and the Noise Policy Statement

¹⁶ Whilst also taking into account the guiding principles of sustainable development.

¹⁷ *Ibid.*

¹⁸ Paragraph reference ID: 30-002-20190722 - 002

¹⁹ Paragraph reference ID: 30-004-20190722 – 004, 005 and 006 for example

²⁰ Paragraph reference ID: 30-004-20190722 – 008 and 011

²¹ Paragraph reference ID: 30-004-20190722 - 012

²² Inspectors Michael Boniface MSc MRTPI, G D Jones BSc(Hons) DipTP MRTPI and Nick Palmer BA (Hons) BPI MRTPI

for England (NPSE), are that adverse impacts from noise from new development should be mitigated and reduced to a minimum and that significant adverse impacts on health and quality of life should be avoided. It is a requirement of the NPSE that, where possible, health and quality of life are improved through effective management and control of noise.

34. The APF states that the overall policy is to limit and, where possible, reduce the number of people significantly affected by aircraft noise. The APF expects the aviation industry to continue to reduce and mitigate noise as airport capacity grows and that as noise levels fall with technology improvements the benefits are shared between the industry and local communities.

3 History of Non-Compliance with existing Conditions

12. What is particularly unusual about Luton Airport is that the Local Planning Authority (“LPA”) owns it via its wholly owned Airport Company; there is therefore a theoretical conflict of interest when it comes to enforcement and, regrettably, an actual financial involvement in inducing growth without any provision for restraint²³.
13. The airport’s record at respecting conditions has been abysmal: the night-time contour was breached in 2017, 2018 and 2019, and the daytime contour breached and passenger cap reached in 2019. But for the pandemic, noise breaches were forecast to continue²⁴, with no indication given on how the passenger limit would be respected. Despite these repeated and sustained breaches, the LPA only required an ‘Action Plan’²⁵ which clearly failed, but no enforcement action has been taken despite its policy²⁶ or, apparently, its failure to scrutinise²⁷. We will provide evidence in detail regarding the repeated failure of the Airport Operator to respect conditions and the LPA failure properly to enforce those conditions.
14. The Appellant was obligated by S106 to control growth from 2014 in accordance with planning conditions. It has the power to do so via a controlled release of capacity²⁸; its noise consultant Bickerdike Allen Partnership (BAP) produces noise contours given relevant data or forecasts for past or future periods, and can explain the causes of contour expansion²⁹. The Appellant’s apparently inadequate internal communication³⁰; failure to manage growth within permitted contours; and failure to rectify the breach³¹, evidence the its lax attitude to capacity management and adhering to conditions despite its obligations³². Significantly, it seeks to

²³ See for example Deed of Variation Aug 2017; LLAL Accounts 2016 p16 Section 5 para 3; LBC Officer LGC Article Apr 2018; Eml LBC Cllr to LADACAN member May 2019; LBC-LLAL Officer Linked-In Page as at Feb 2020

²⁴ Officers’ Report, paragraph 186; LLA AMR 2019 p35

²⁵ Letter LBC to LLAOL Feb 2018

²⁶ LBC Enforcement Policy Dec 2015

²⁷ S106 PDF p18-19, 40, 99, 106-7; Eml LBC to LADACAN re Luton Airport scrutiny committee Feb 2019

²⁸ Worldwide Slot Guidelines Apr 2020, see procedures and Slot Controller obligations for a Level 3 Airport

²⁹ See for example LLA AMRs 2016-2019; the ES; BAP report on Condition 10 Variation Aug 2019; BAP noise contour report Nov 2016; LBC Response to Andrew Lambourne May 2020

³⁰ 1.7 Planning Statement 4.3.27

³¹ Ltr LBC to LLAOL re Breach Nov 2019

³² See for example ref 11 above to NAP; LLAOL Environment Policy 2015 (incorporated in S106 on PDF p247)

excuse this by reference to the influence of the LPA's Airport Company³³. Such management influence, we note, contravenes S17 of the Airports Act 1986³⁴.

15. In reality there appears to be little political will to enforce the existing conditions and yet this application provides no consideration as to how they could be strengthened e.g. by:
- a bond payment on non-performance
 - independent oversight of the airport's slot control process
 - thresholds below the contour limits which trigger mandatory action if exceeded
 - granting other affected Local Authorities relevant control powers
16. Given the foregoing, and the woeful record of enforcement despite the commitments in the LPA's Enforcement Policy³⁵, the Inspector will respectfully be invited to weigh the practical enforceability of any new conditions and the prospect of such conditions being respected and enforced.
17. In light of its persistent and foreseeable breaches, we will argue that the Appellant must demonstrate that it has the management will and capability to ensure it abides by its existing noise and capacity conditions before any further permission is granted which is wholly dependent upon such conditions being respected.

4 The Proposals

4.1 Additional passengers and flights

18. The proposals would allow for an increase in passenger 'throughput' at Luton from 18mppa to 19mppa and relaxation of the noise contours to permit this to be delivered with the current part-modernised fleet. This has already resulted in some 35 extra flights a day during the period of non-permitted development³⁶, whereas the Appellant highlights just three extra flights per day at the end of the proposed fleet evolution.

4.2 Purported Benefits

19. The Application simply does not demonstrate 'need' for this expansion. Demand is not the same as need and we will present evidence on the substantial gaps in the Appellant's case.

4.3 Noise Impacts

20. We will argue that the Environmental Statement (ES) is defective and therefore there can be no clarity or certainty about the scale of impacts, and that the forecasts and noise model on which the contours are based do not stand up to scrutiny. Specifically, we will present evidence which demonstrates that:

³³ Ltr LLAOL to LBC re Breach Dec 2019

³⁴ See Airports Act 1986 S17 as amended, and HoC Lib SN00323 Regional Airports Apr 2022 p15

³⁵ LBC Enforcement Policy Dec 2015

³⁶ See LLA briefing to NTSC on C10 variation Sep 2018, and BAP report on Condition 10 Variation Aug 2019

- a. the 'baseline' used to measure the increase in noise is opaque and unclear; a number of ES comparisons are made to 2019 (a year of non-permitted development) and we will argue that the impact assessment is understated;
- b. the metrics used to assess noise impacts are narrow in scope and fail to take into account the impact of intermittent and unpredictable noise as opposed to mere 'average' impacts;
- c. the spot-level noise predictions in the ES for various aircraft types and locations differ significantly from the Appellant's noise measurements;
- d. no evidence is provided to give full confidence in the noise model calibration³⁷, but the response to a technical query³⁸ shows how sensitive it is to parameters;
- e. the fleet projections contain inconsistencies when compared to publicly available information; and
- f. the ES does not meet policy requirements to explore options to resolve the issue, such as adequate operating restrictions³⁹, or respite.

21. Despite the questionable data upon which the ES impact assessment is based, even the Appellant accepts that the development will have adverse impacts.⁴⁰

- a. With regards to night-time levels, 724 additional dwellings will experience noise that passes SOAEL (Significant Observed Adverse Effect Level).
- b. A further 144 properties will experience a further increase in night-time noise despite already having noise impacts above SOAEL
- c. 1,877 dwellings will experience a material increase in noise during the day which is likely to be of significant effect.⁴¹

In short, the impact of increasing the number of passengers will result in noise impacts that are severe, legion and wide-ranging. This is before account is taken of the opaque analysis and questionable comparisons in the ES. However, sight should not be lost of what anodyne acronyms such as SOAEL fail to convey: the disturbance and harms caused by aviation noise. For example, there are numerous studies regarding the health impacts of interrupted sleep and these will be raised by us in evidence.

22. Any projection provided by the Appellant and endorsed by the LPA must be treated with substantial scepticism given the unreliability of many previous statements, projections and

³⁷ An example of such evidence is given in LR 32m Appendix 16.1 Noise Feb 2022 p65-86

³⁸ LBC Response to Andrew Lambourne May 2020

³⁹ The APF fully recognises and describes the ICAO balanced approach in para 3.7; see also paras 3.26 and 3.28

⁴⁰ Figures taken from the Officers' Report for the worst year noted in the Environmental Statement, i.e. 2022

⁴¹ Paragraph 121 of the Officers' Report

undertakings, as we shall show.⁴² Accordingly, the noise impact of the scheme is likely to be substantially greater than that contained in the ES.

23. Given even this acknowledged level of impact is severe, the developers are left with no choice but to offer ‘mitigation’ in the form of noise insulation. The Noise Insulation Scheme from the previous proposal has been tweaked, and in a few cases accelerated. However, in truth it is not truly mitigation since it does not cover all properties that will receive adverse impacts in time. This is reflected in Luton’s Officers’ Report at paragraph 129:

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.

24. Regardless of the programme’s acknowledged shortcomings, noise insulation does not offer full protection, particularly if trickle vents are installed to avoid bulky wall-mounted units. The budget provided per home is grossly inadequate to achieve full protection; noise insulation offers no protection to someone outside in the garden or on a balcony. It can create further problems through having to keep the windows closed at night, as highlighted by independent review⁴³, which will be explored by us before the Inquiry. In any case, the Scheme⁴⁴ only applies to those living closest to the airport, which does not relieve the burden on others still affected by very noisy low-flying aircraft.
25. Finally, the Appellant has failed to discharge its obligation under APF paragraph 3.28 to consider alternatives that would have less impact on residents or provide truly adequate compensation and mitigation.
26. In short, we will argue that the proposed ‘mitigation’ is not even compensation as it does not fully mitigate the impacts and creates additional problems. The fact that Luton Airport’s noise is inadequately mitigated is demonstrated by the widespread concern that has been expressed in the overwhelming public rejection of this application and of its predecessor 19/00428/EIA which also sought to relax Condition 10.

4.4 Other Matters

27. In addition, we will demonstrate that the assumptions regarding modal shift between public and private transport are misplaced. This will have an impact in relation to air quality, transport noise and transport assessments.

⁴² For example the “upper end” trajectory in the 2012 Masterplan and 2014 RNAV consultation; the commitment to abide by the noise contour limits made in the 2019 Noise Action Plan; a failed objective of achieving 10,000ft by the railway line between Harpenden and St Albans; noise monitoring errors in CAP1882 Luton PIR p40-43

⁴³ For example ICCAN Noise Insulation Review Mar 2021

⁴⁴ LLAOL Noise Insulation Scheme document

5 Planning Balance

28. The development is acknowledged to be a departure from the Local Development Plan.⁴⁵ Given the statutory presumption in favour of the Local Development Plan this development ought to be declined. Moreover, the draft Levelling-up and Regeneration Bill give further primacy to the Local Development Plan by proposing that any departure requires ‘strong’ material considerations. This provides insight into the weight that the Secretary of State places on the importance of a ‘genuinely plan led’ planning system (NPPF paragraph 15).
29. The departure from the development plan is extreme:
- a. LLP6 B(iii) specifically requires that development is in accordance with an up to date masterplan. We invite the inspector to discount the new masterplan—it was rushed through with scant scrutiny and was based on erroneous data and only a week before the relevant planning meeting. The importance of a *genuine* masterplan and this policy is obvious—it is intended to prevent the piecemeal and salami slicing that is characteristic of this proposal. A *genuine* masterplan is critical to ensuring that the impact of development is fully considered and approached holistically rather than letting the airport grow unchecked.
 - b. Policies LLP6 B(iv) is clear that any further development will achieve *further noise reduction or no material increase*. This development increases the noise and therefore makes it harder to achieve the first element, ‘noise reduction’.
 - c. Policy LLP38 requires mitigation (it is not optional). As the Local Planning Authority acknowledge there is no mitigation, just partial compensation. Moreover, for the reasons given, the proposed mitigation creates more problems than it purportedly solves and there are many situations and locations where there is no mitigation (e.g. outside in gardens and on balconies, or more distant).
30. With regards to policy LLP38, the Officer’s Report perversely discounts the observations made by the LPA’s own Environmental Protection Unit who apply the LPA’s Planning and Noise Guidance. Remarkably the officer discounts these observations on the basis that there would be no breach of statutory nuisance. This is a planning application not an application for breach of the Environmental Protection Act 1990. Accordingly, there is no reason to dismiss the guidance provided by the council’s own specialists.
31. In addition, there are breaches of national policies due to the inadequate mitigation, and inequitable distribution of the benefits of the A321neo aircraft—the airport and airlines are banking those for their own commercial advantage. These breaches of policy occur *even if the applicant’s evidence is accepted as accurate*. In actuality, they have downplayed and minimised the impact and therefore the breaches are likely to be more severe.
32. The justification put forward for such an extreme departure is inadequate:
- a. There is no evidence demonstrating the specific need for this development.

⁴⁵ Paragraphs 193 of the Officer’s Report

- b. The LPA places repeated weight on the support in policy for expansion on the basis of the economic benefits; however, any such support in policy is contingent upon the adverse impacts being acceptable. For the reasons discussed above, these are not in any way acceptable but severe, legion and underestimated. Therefore, there is no support for the development in policy.
 - c. On the benefits of the scheme the LPA is confused; the Officer's Report states (at paragraph 216) that the purported attenuation in noise levels weighs in favour of the scheme—this is not a benefit, this merely (disputed) evidence that the impact can be mitigated or downplayed.
33. The development is only palatable if subject to conditions. However, for the reasons discussed above the Inspector can have no confidence that conditions will be respected (the breaches were avoidable; the airport has not delivered an Action Plan capable of addressing them). The original breach, caused by over-rapid growth before mitigation of the fleet⁴⁶ cannot have been helped by the Incentivisation Scheme, nor an apparent lack of the scrutiny⁴⁷ required by the Section 106 Agreement⁴⁸. Accordingly, in the absence of effective, reasonable and workable conditions, scrutiny or control, permission should be refused on that basis alone.
34. Since the development is an egregious departure from the development plan, with no support in the policies, and since the Inspector can have no confidence that conditions will actually be enforced, we will invite the Inspector to refuse permission.
35. LADACAN reserve the option (with the Inspector's consent) of submitting a supplemental statement in response to any points raised in the LPA's and applicant's Statement of Case. Additional documents will be referenced in our Proofs of Evidence.

⁴⁶ BAP report on Condition 10 Variation Aug 2019

⁴⁷ Email LBC to LADACAN re Scrutiny Committee Feb 2019

⁴⁸ See reference 24 above

6 Annex

Documents we have referenced are listed alphabetically below where not in the LPA bundle:

LAD-01	12-01400-FUL Decision notice 601554.pdf
LAD-02	Air Navigation Guidance 2017
LAD-03	Airports Act 1986 S17 as amended.pdf
LAD-04	Airports National Policy Statement Jun 2018.pdf
LAD-05	Aviation Policy Framework.pdf
LAD-06	BAP contouring methodology update Aug 2015.pdf
LAD-07	BAP noise contour report Nov 2016.pdf
LAD-08	BAP report on Condition 10 Variation Aug 2019.pdf
LAD-09	Beyond the horizon Jun 2018.pdf
LAD-10	CAP 1129 Noise Envelopes.pdf
LAD-11	CAP1882 Luton PIR.pdf
LAD-12	Deed of Variation Aug 2017.pdf
LAD-13	Eml LBC Cllr to LADACAN member May 2019.pdf
LAD-14	Eml LBC to LADACAN re Luton Airport scrutiny committee Feb 2019.pdf
LAD-15	HoC Lib 9062 Airport slots Nov 2020.pdf
LAD-16	HoC Lib SN00323 Regional Airports Apr 2022.pdf
LAD-17	ICCAN Noise Insulation Review Mar 2021
LAD-18	John Steel QC Legal Opinion Dec 2013.pdf
LAD-19	LBC EnforcementPolicy.pdf
LAD-20	LBC Officer LGC Article Apr 2018.pdf
LAD-21	LBC Response to Andrew Lambourne May 2020.pdf
LAD-22	LBC-LLAL Officer Linked-In Page as at Feb 2020.pdf
LAD-23	LLA AMR 2016.pdf
LAD-24	LLA AMR 2017.pdf
LAD-25	LLA AMR 2018.pdf

LAD-26	LLA AMR 2019.pdf
LAD-27	LLA briefing to NTSC on C10 variation Sep 2018.pdf
LAD-28	LLA Noise Insulation Scheme.pdf
LAD-29	LLA RNAV consultation extract Apr 2014.pdf
LAD-30	LLACC meeting 2013.pdf
LAD-31	LLAL Accounts 2016.pdf
LAD-32	LR 32m Appendix 16.1 Noise Feb 2022.pdf
LAD-33	Ltr LBC to LLAOL re Breach Feb 2018.pdf
LAD-34	Ltr LBC to LLAOL re Breach Nov 2019.pdf
LAD-35	Ltr LLA re Noise restrictions Feb 2018.pdf
LAD-36	Ltr LLAOL to LBC re Breach Dec 2019.pdf
LAD-37	Masterplan Sep 2012.pdf
LAD-38	MP19m Adoption Transcript 23 Nov 2021.pdf
LAD-39	MP19m Decision Sheet Nov 2021.pdf
LAD-40	MP19m Impact Assessment Nov 2021.pdf
LAD-41	MP19m Officers Report Nov 2021.pdf
LAD-42	S106 VARCON LEGAL AGREEMENT 690622 Oct 2017.pdf
LAD-43	Worldwide Slot Guidelines Apr 2020.pdf



c) To review noise monitoring equipment costs

Final quotes to follow.

17. Finance and Risk:

a) To authorise non-contractual payments and note payments to date.

VAT reclaim made and received for £3473.99.

Authorise payment to JC Agriculture for bench installation: £382.08

Please see the following page for payments made.

Kings Walden Parish Council - Summary Financial Report and Bank Reconciliation as at 23rd September 2022

Current Account

£

Bank Balance at 15th July 2022 £ 6,561.19

Payments authorised at meeting:

Date	Payee	Description	Payment Ref	Net	VAT	Total
18 July 2022	Zen Internet Ltd	Admin	P-2023-040	£ 35.00	£ 7.00	£ 42.00
21 July 2022	Leigh Ward	Cleaning at Youth Hut	P-2023-041	£ 175.00	£ -	£ 175.00
21 July 2022	Actual Admin	Office Services	P-2023-042	£ 75.00	£ -	£ 75.00
22 July 2022	Just Projectors	Projector and Screen	P-2023-043	£ 2,811.77	£ 562.35	£ 3,374.12
22 July 2022	CPRE	Membership	P-2023-044	£ 36.00	£ -	£ 36.00
3 August 2022	HAPTC	New Councillor Training	P-2023-045	£ 28.00	£ -	£ 28.00
3 August 2022	CDA	Subscription	P-2023-046	£ 36.00	£ -	£ 36.00
3 August 2022	Oliver Berti Firewood & Forestry	Playground Maintenance	P-2023-047	£ 525.00	£ 105.00	£ 630.00
3 August 2022	Andrew Spyrou	Expenses - Tuck Purchases	P-2023-048	£ 422.60	£ -	£ 422.60
3 August 2022	Chubb	Fire Inspection	P-2023-049	£ 107.27	£ 21.46	£ 128.73
3 August 2022	HAPTC	Planning Application Training	P-2023-050	£ 14.00	£ -	£ 14.00
3 August 2022	RJ Dawes	Grass Cutting	P-2023-051	£ 208.33	£ 41.67	£ 250.00
4 August 2022	Zen Internet Ltd	Admin	P-2023-052	£ 5.99	£ 1.20	£ 7.19
5 August 2022	Google	Admin	P-2023-053	£ 9.20	£ -	£ 9.20
12 August 2022	Scottish Power	Electricity	P-2023-054	£ 262.80	£ 13.13	£ 275.81
18 August 2022	Zen Internet Ltd	Admin	P-2023-055	£ 35.00	£ 7.00	£ 42.00
5 September 2022	Zen Internet Ltd	Admin	P-2023-056	£ 5.99	£ 1.20	£ 7.19
7 September 2022	Google	Admin	P-2023-057	£ 9.20	£ -	£ 9.20
7 September 2022	RJ Dawes	Grass cutting & litter picking	P-2023-058	£ 208.33	£ 41.67	£ 250.00
7 September 2022	Actual Admin	Office Services	P-2023-059	£ 75.00	£ -	£ 75.00
15 September 2022	Bank Transfer to Deposit Acc	Bank Transfer		£ 5,477.00	£ -	£ 5,477.00
16 September 2022	Payroll	Payroll	P-2023-060,61,62	£ 3,491.07	£ -	£ 3,491.07
20 September 2022	Zen Internet Ltd	Admin	P-2023-063	£ 35.00	£ 7.00	£ 42.00
				£ 14,088.55	£ 808.68	£ 14,897.11

Monies received:

Date	From	Description		
29 July 2022	Andrew Spyrou	Youth Club Fees and Tuck Sales	R-2023-910	£ 1,229.00
9 August 2022	HMRC VTR	VAT Reclaim 01/12/20 - 30/06/22	R-2023-909	£ 3,473.99
30 August 2022	Breachwood Green Cricket Club	Hire of toilets 2021 & 2022	R-2023-912 & 913	£ 100.00
9 September 2022	NHDC	Precept	R-2023-914	£ 15,532.45
21 September 2022	Breachwood Green Cricket Club	Cricket Square Rent	R-2023-916	£ 100.00
23 September 2022	Darren Patel	MUGA Hire Fee 21/09/22	R-2023-917	£ 30.00
				£ 20,465.44

Bank Balance at 23rd September 2022 **£ 12,129.52**

Business Bank Deposit Account

Bank Balance at 15th July 2022 £ 32,911.39

Date	Payee	Description		
				£ -
Monies Received				
9 August 2022	Lloyds Bank	Interest	R-2023-915	£ 1.09
9 September 2022	Lloyds Bank	Interest	R-2023-911	£ 1.40
15 September 2022	Transfer from Current Account	Precept		£ 5,477.00
				£ 5,479.49

Bank Balance at 23rd September 2022 **£ 38,390.88**

Total bank balances £ 50,520.40

b) To authorise signing of the bank reconciliation

As shown below:

3 September 2022

Kings Walden Parish Council

Prepared by: _____ Date: _____
Name and Role (Clerk/RFO etc)

Approved by: _____ Date: _____
Name and Role (RFO/Chair of Finance etc)

Bank Reconciliation at 23/09/2022		
Cash in Hand 01/04/2022		33,425.57
ADD Receipts 01/04/2022 - 23/09/2022		36,602.42
		70,027.99
SUBTRACT Payments 01/04/2022 - 23/09/2022		19,628.19
A Cash in Hand 23/09/2022 (per Cash Book)		50,399.80
Cash in hand per Bank Statements		
Petty Cash	18/07/2022	0.00
Lloyds deposit	23/09/2022	38,390.88
Youth Club cash	18/07/2022	0.00
Lloyds bank current	23/09/2022	12,129.52
		50,520.40
Less unrepresented payments		120.60
		50,399.80
Plus unrepresented receipts		
B Adjusted Bank Balance		50,399.80
A = B Checks out OK		

£120.60 of unrepresented payments due to payments added to scribe but not paid out of bank account as of yet.



c) Appointment of External Auditor

Option to opt out of the SAAA (Smaller Authorities Audit Appointments) central external auditor appointment arrangements.

The last five years from 2017/18 to 2021/22 we have been appointed PKF Littlejohn as our external auditor. KWPC needs to decide if they wish to opt out of the next round of 5-year audit appointments. Alternatively KWPC can appoint their own external auditor.

Opting-out

Opting out is a significant decision which requires careful consideration; to assist authorities considering opting out further guidance has been developed to clarify what opting out means in practice. This detailed information can be found at www.saaa.co.uk

An authority that wishes to opt out must formally reach and record that decision in a way that meets the requirements of its own governance framework, by convening a full council meeting or an extraordinary council meeting.

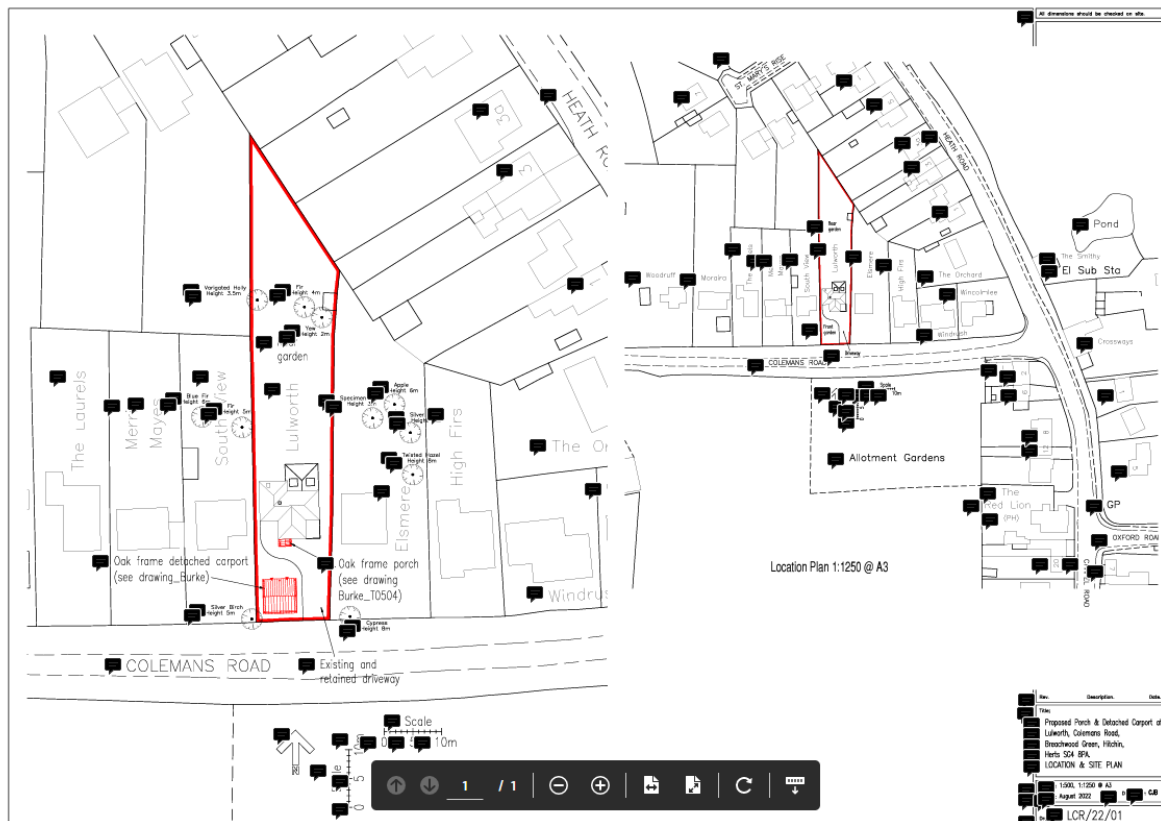
Key implications are:

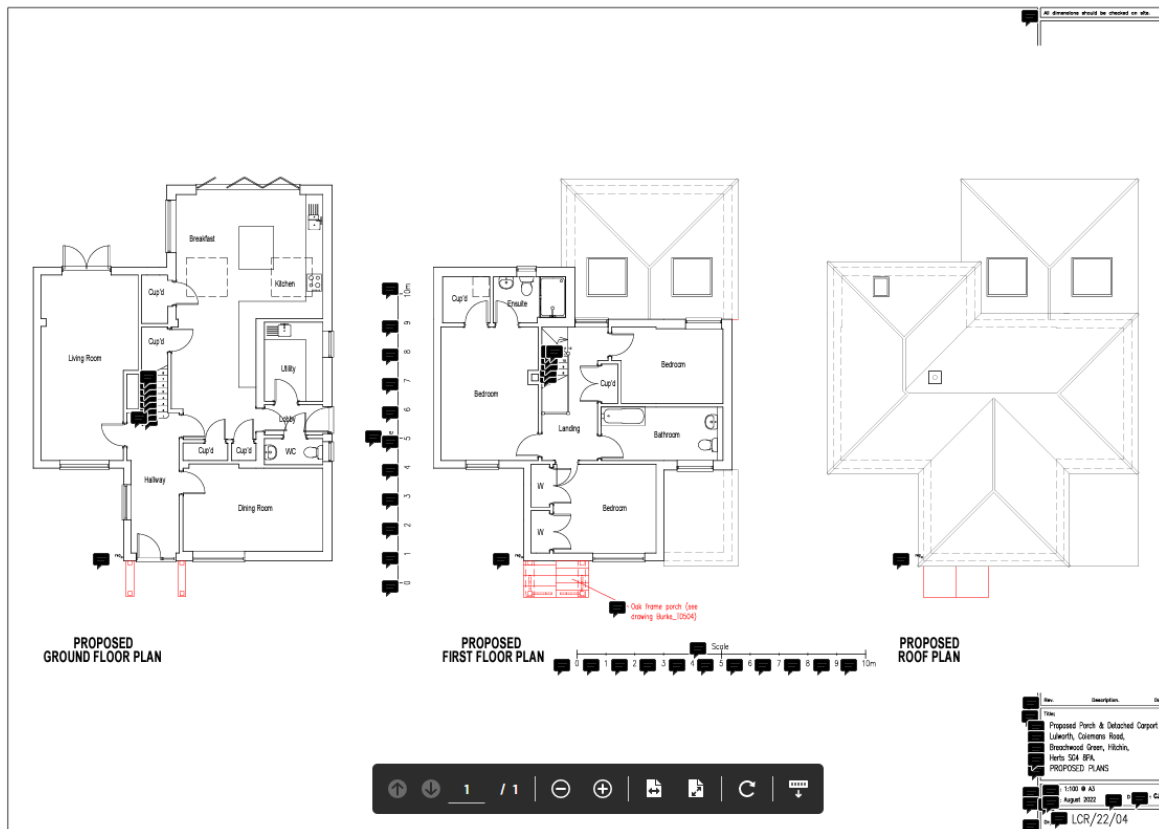
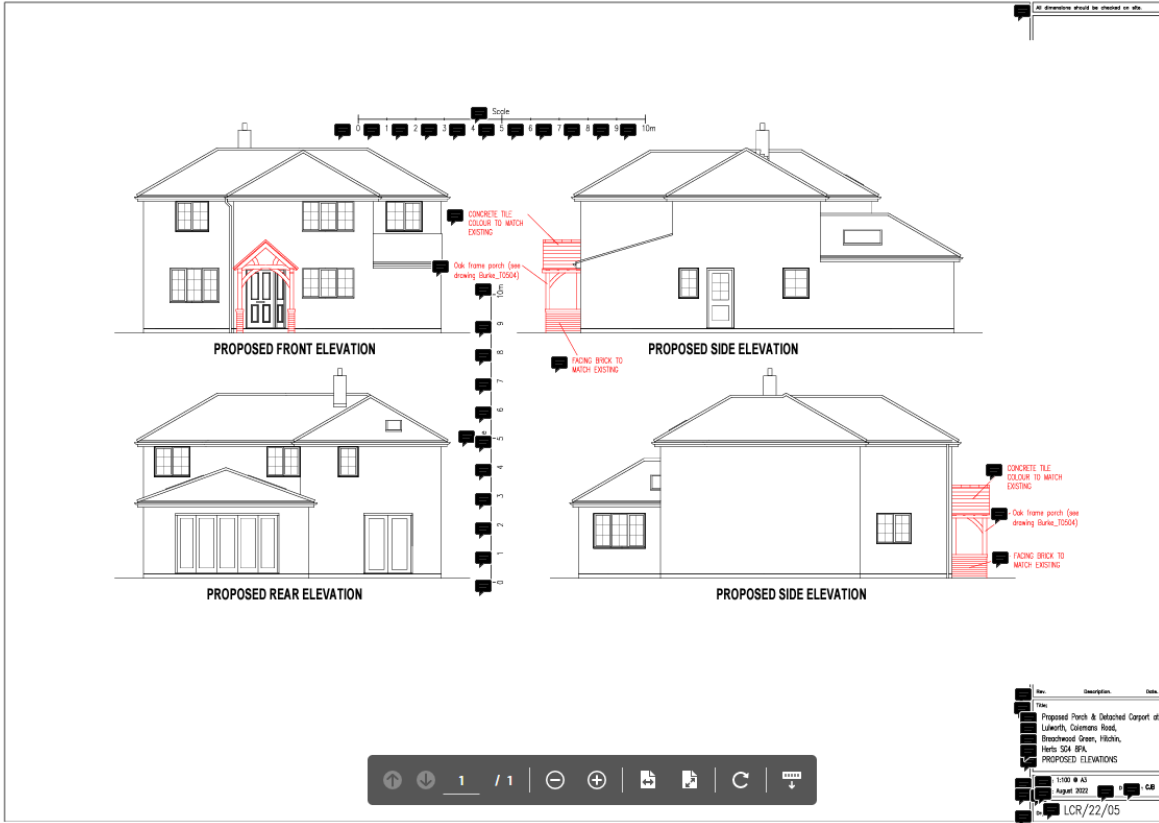
- an opted-out authority regardless of size (including exempt authorities) **MUST** appoint an appropriate external auditor;
- the appointed auditor must be a registered auditor as defined by the Companies Act and a member of Institute of Chartered Accountants (England and Wales).
- an opted-out authority must convene an appropriate independent auditor panel which meets the requirements of the Local Audit and Accountability Act 2014 (LAAA). Detailed guidance on auditor panels is available in Schedule 4 of the LAAA Act and from CIPFA;
- an opted-out authority will need to develop its own specification for its external audit contract, will need to negotiate the price for this work on an individual basis and will need to manage the contract, including any disputes, and any independence issues that may arise;
- an opted-out authority must ensure full compliance with the relevant requirements of the Local Audit and Accountability Act and supporting Regulations;
- any opted-out authority that does not successfully appoint an appropriate external auditor in the correct manner and notify SAAA who their external auditor is by 30 November 2022 will have an external auditor appointed for it by the Secretary of State through SAAA. This will result in additional costs of £300 which will have to be met by the authority.

18. Planning:

a) To receive and consider responses to planning applications.

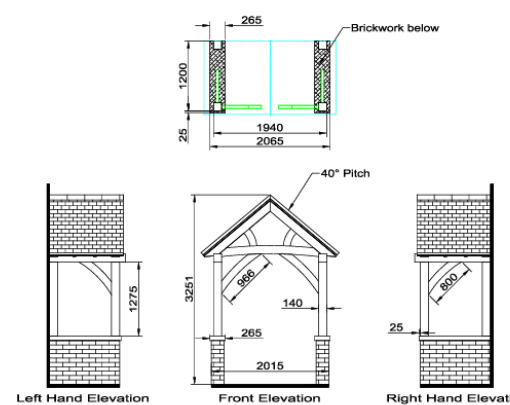
- 22/02398/LBC – Listed Building Consent: Replace 3no. single-glazed, timber windows (2no. front elevation and 1no. on side elevation of front porch) with double-glazed, timber windows. 2 Crown Cottages, Ley Green, Kings Walden, Hitchin, Hertfordshire, SG4 8LU.
- 22/02344/FPH - Full Permission Householder : Open sided front porch and erection of detached double carport. Lulworth, Colemans Road, Breachwood Green, Hitchin, Hertfordshire, SG4 8PA



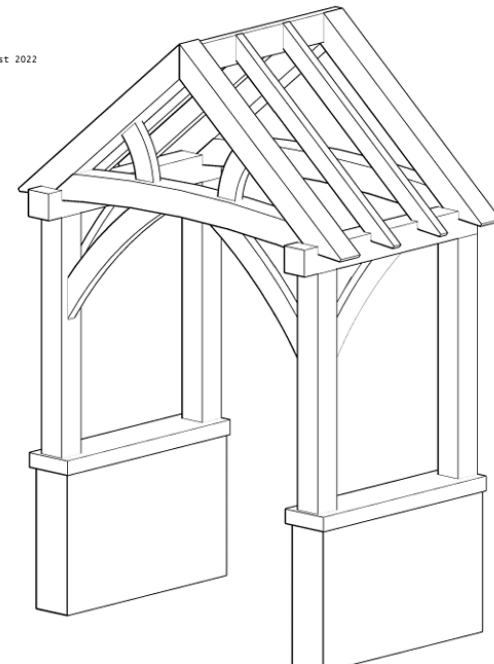


Designed by: *Karen Ewell* August 2022

Porch Specification Summary	
Porch Type	High Brick Plinth
Front Truss	Curved
Front Beam Ends	Straight
Front Eaves Beam	Curved
Frame	Oak
Rafters	Oak




Notes—
Do not scale, use specified dimensions only (except for planning).
All discrepancies / omissions to be reported prior to manufacture.
All frames are design to take a roof loading of up to 0.69kN/m².



Revisions—
A 21/07/22 IDV
Post and Sillposts are centrally placed on Brick Plinth

Client— Mr Karen Burke
Site— Lutworth, Colmans Road, Breachwood Green, Herts, SG4 8PA




The Porch Specialist
Coldharbour Studios
Woods Corner
East Sussex, TN21 9LQ

T 01424 838 606
sales@theporchspecialist.com
www.theporchspecialist.com


- 22/02184/FPH - Full Permission Householder : Single storey side extension following demolition of existing outbuilding. Jalna, 25a Oxford Road, Breachwood Green, Hitchin, Hertfordshire, SG4 8NP

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NOTES



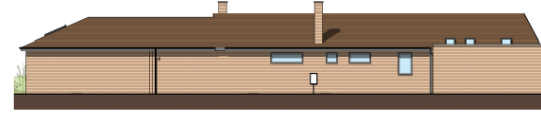
Proposed West Elevation
1:100



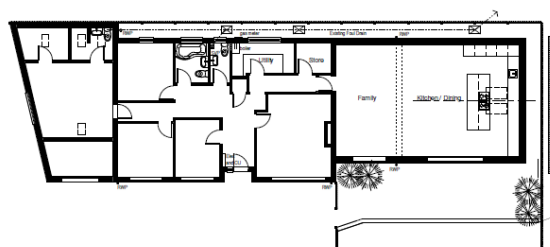
Proposed South Elevation
1:100



Proposed North Elevation
1:100



Proposed East Elevation
1:100



Proposed Ground Floor Plan
1:100

NOTES:

- Roof: Concrete profiled roof tiles to match existing.
- Walls: Buff facing brickwork to match existing.
- Windows: White-painted or powder coated aluminium in section.

PLANNING

PENTANGLE

DESIGN GROUP

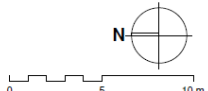
SUITE 1, 31 BANCROFT, HITCHIN, HERTS, SG4 8JW
T 01462 431123 E info@pentangle.co.uk

JOB NO: 22/02184/FPH
Proposed Extensions and alterations to 25a Oxford Road, Breachwood Green

for -
DRAWN: [Name]
Proposed Plan Section and Elevations

SCALE	REVISION NUMBER	REVISION
1:100	03	A

ARCHITECTS AND INTERIOR DESIGNERS





ALL DIMENSIONS OF EXISTING BUILDINGS TO BE SHOWN ON THE PLAN
ALL DIMENSIONS OF EXISTING BUILDINGS TO BE SHOWN ON THE SECTION
ALL DIMENSIONS OF EXISTING BUILDINGS TO BE SHOWN ON THE SECTION
ALL DIMENSIONS OF EXISTING BUILDINGS TO BE SHOWN ON THE SECTION
ALL DIMENSIONS OF EXISTING BUILDINGS TO BE SHOWN ON THE SECTION
NOTES



Existing West Elevation
1:100



Existing South Elevation
1:100



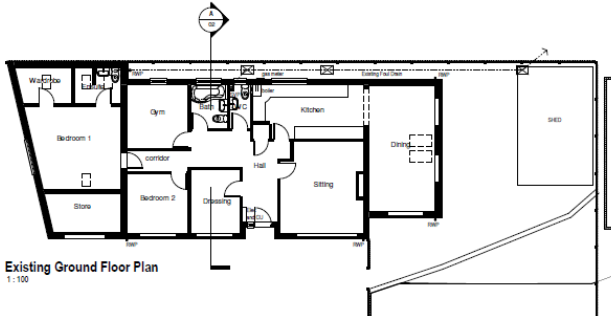
Existing Section A-A
1:100



Existing North Elevation
1:100



Existing East Elevation
1:100

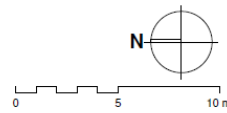


Existing Ground Floor Plan
1:100

MATERIALS:
Roof: Concrete flat roof tiles. Brown.
Walls: Buff Facing Blockwork
Windows: White uPVC

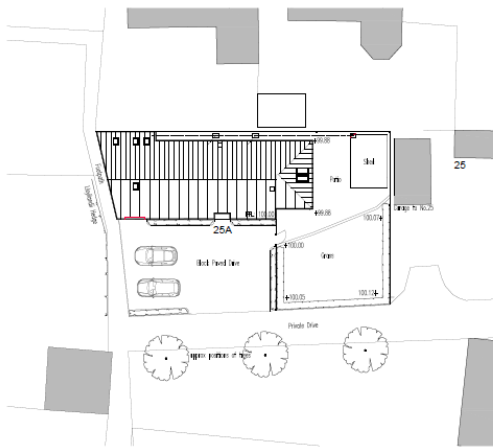
PLANNING
PENTANGLE
DESIGN GROUP
SUITE 1, 21 BANCROFT HITCHAM HEWIS, SO5 1AW
TEL: 01442 431133
E: info@pentangle.co.uk

DATE: 11/07/20
PROJECT: Proposed Extensions and alterations to 25A Oxford Road, Breachwood Green

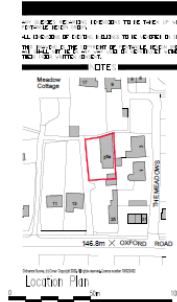


SCALE	NUMBER	REVISION
1:100	02	A
DATE	11/07/20	
DRAWN BY	AS	
CHECKED BY	AS	
PROJECT NUMBER	3771	

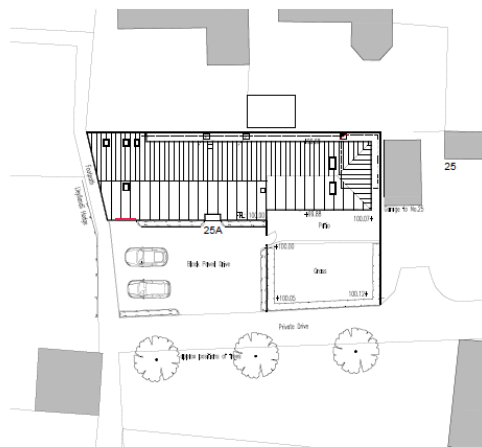
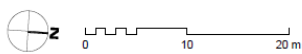
ARCHITECTS AND INTERIOR DESIGNERS



Existing Site Plan
1:200



Location Plan
Scale: 1:200



Proposed Site Plan
1:200

PRELIMINARY
PENTANGLE
DESIGN GROUP
SUITE 1, 21 BANCROFT HITCHAM HEWIS, SO5 1AW
TEL: 01442 431133
E: info@pentangle.co.uk

DATE: 11/07/20
PROJECT: Proposed Extensions and Alterations to 25A Oxford Road, Breachwood Green, Histon

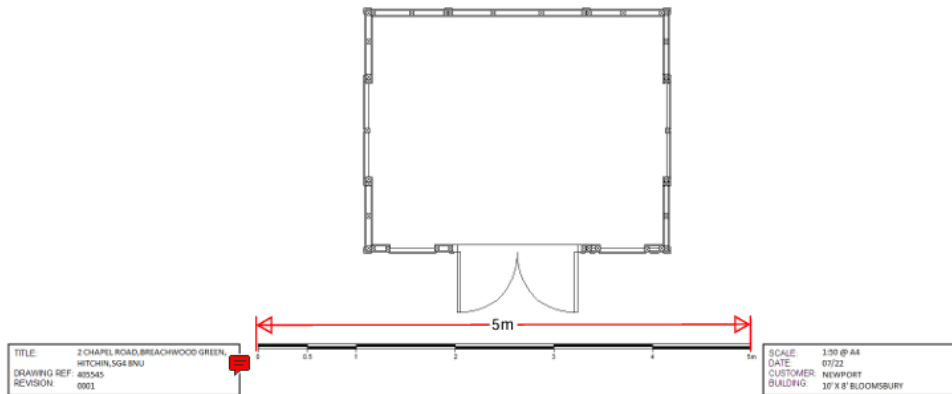
1:3- WILE Location Plan Site Plans

SCALE	NUMBER	REVISION
1:200	01	
DATE	11/07/20	
DRAWN BY	AS	
CHECKED BY	AS	
PROJECT NUMBER	3771	

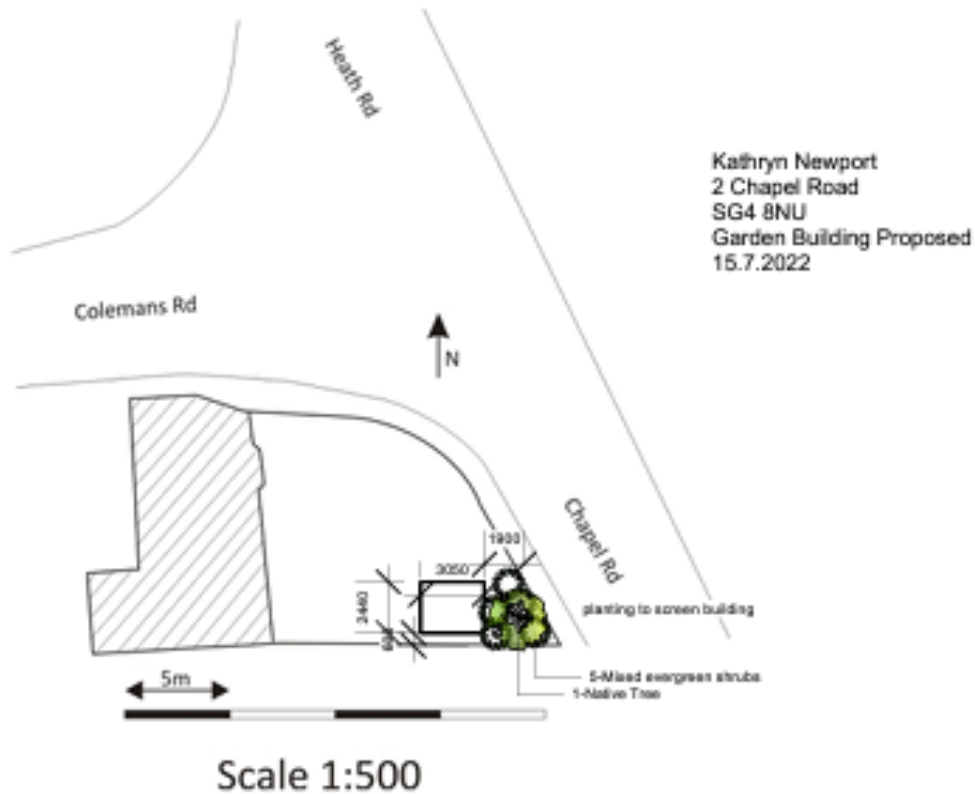
ARCHITECTS AND INTERIOR DESIGNERS



- 22/01944/FPH - Full Permission Householder : Erection of detached wooden summer house in front garden following demolition of existing wooden summer house in the front garden (as a resubmission of planning application 22/00419/FPH refused on 08.06.2022). 2 Chapel Road, Breachwood Green, Hertfordshire, SG4 8NU







b) To note decisions and appeals.

- 22/01056/FP Proposal: Change of Use and conversion of The Fox PH to a single residential dwelling (Use Class C3). Erection of side elevation conservatory, insertion of Juliet Balcony and window to existing side elevation, internal alterations, part removal of parking hardstanding and new landscaping. (Part Retrospective). Location: The Fox, Darley Hall, Darley Road. **PERMISSION GRANTED**
- 22/01634/FP Proposal: Erection of an agricultural grain store. Location: Lodge Farm, Kings Walden, Hitchin, Hertfordshire, SG4 8LL. **PERMISSION GRANTED**

c) To consider any other planning matters pertinent to the Parish Council.

19. Matters for future consideration.