

MINUTES

STRATEGIC PLANNING & ENVIRONMENT OVERVIEW & SCRUTINY

16 MARCH 2022

Present:

Members:

Councillors: Beauchamp
Birnie (Chairman)
England
Foster
Harden
P Hearn
Silwal (Vice-
Chairman)
Stevens
Taylor
Timmis
Wilkie
C Wyatt-Lowe

Officers: James Doe Assistant Director - Planning, Development
and Regeneration
Layla Fowell Corporate & Democratic Support Officer
Richard LeBrun
Stephen Mendham Strategic Planning and Regeneration Officer
Alex Robinson Interim Group Manager - Planning and
Development

Also Attendance: Antony Aldridge – Luton Rising

The meeting began at 7.30 pm

1 **MINUTES**

The minutes from the last meeting were approved.

2 **APOLOGIES FOR ABSENCE**

Apologies were noted from Cllr Rogers.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 PUBLIC PARTICIPATION

There was no public participation.

5 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL-IN

None

6 ENVIRONMENTAL SERVICES PERFORMANCE Q3

RLeBrun took the report as read.

RLeBrun focused on Q3, noting that it was a difficult year for waste services with 200 days lost due to Covid-related absence. The national shortage of drivers also resulted in the loss of 5 full-time drivers and many agency drivers. RLeBrun confirmed that they managed to maintain all services during this time. An agreement was secured to pay a supplement to LGV drivers, which was put in place at the end of November, and has resulted in retaining drivers and the re-employment of the 4 out of 5 drivers who previously left.

Clean, Safe and Green lost 90 days due to Covid, and a number of LGV drivers were deployed to waste collections, though over 80k bedding bulbs were still planted across the borough and new wildflower areas were created. Work has also started on the play area and High Street Green, and 5 Green Flag parks were retained due to hard work behind the scenes and maintenance. RLeBrun noted a memorial garden in Gadebridge Park is being created for those lost during Covid and a ceremony is due to take place in July 2022.

A number of environmental projects took place, including a zero waste day in Hemel town centre, a second-hand competition to help encourage second-hand shopping, and 90 1,100 litre bins were handed out to 53 blocks of flats to encourage recycling. There were also clothes swap events taking place with another to take place in the coming weeks, and work is taking place on sustainable period poverty and reusable nappies. The Monsters on a Mission competition has seen high engagement, and 236 Street Champions have received equipment with a further 214 registered, and there has been an increase in registrations for the Love Food, Hate Waste challenge. During Q3, waste services received 8,277 requests, including 483 bulky item requests and 328 fly-tipping reports.

Work is also taking place on the service plan for the coming year, which includes a refresh of KPIs, and a review will come back to the Committee on how measurements link to corporate priorities.

Cllr Birnie congratulated the team for the lack of disruption to services during the pandemic and commended Craig Thorpe for managing to bring the 4 out of 5 drivers back. Cllr Birnie also welcomed the Covid memorial idea and congratulated the team for its implementation.

Cllr Timmis congratulated the team for the Covid memorial and for the action against fly tipping, noting that 2 fly-tippers had been caught. Cllr Timmis noted that a number

of planning applications requires works to or removal of trees and asked if the Tree Officer is involved in checking these applications. RLeBrun confirmed that they are involved in planning applications and will check what mitigations need to take place, and if a tree is to be removed, they will seek to have it replaced where possible. RLeBrun confirmed that Luke Johnson is the current Tree Officer and works in the Woodlands Team.

Cllr Harden asked how often KPIs are reviewed. Cllr Harden noted the team's strong response to the recent storms and asked who should be contacted if there are any concerns about remaining trees. Cllr Harden also noted the successful crisp packet stand has now been removed and asked when the council had done this. On KPIs, RLeBrun advised that they are reviewed when service plans are created, and the current review will ensure that KPIs are linked to performance. Going forward, reviews will take place during the service plan, if guidance changes and if the SPAE OSC requests an update. RLeBrun advised that concerns regarding trees should be reported to Luke Johnson and suggested that he provide a list of all relevant services for councillors to report issues. RLeBrun confirmed that he would find out why the crisp packet recycling stand had been removed from the council building.

Cllr Harden commented that he was concerned that data on the KPIs was incorrect and that requirements were only a year old. Cllr Harden asked if a trees and woodland mailbox currently exists. RLeBrun confirmed that it does.

Cllr Birnie requested that percentages be used in the revised KPIs.

Cllr Birnie noted that they are renegotiating the contract with Herts County Council on roadside trees and maintenance. Cllr Barrett advised that they have so far agreed to continue on an interim basis and the ongoing contract is currently being negotiated.

Cllr Beauchamp asked on the distribution of communal waste bins for flats, noting that a number of flats still do not have them. RLeBrun confirmed that he would look into this further. Cllr Birnie requested that a written response be provided to the full Committee.

Cllr Beauchamp noted that Netflix have asked to make a bench available as thanks for filming on the high street and suggested that this be put in Gadebridge Park. RLeBrun confirmed that the bench was placed in the square a week ago.

Cllr Birnie referred to page 11 of the report and asked what Easytreez is.. RLeBrun advised that this is the software used to monitor trees.

Cllr Birnie noted the number of initiatives listed under item 4 of the report and remarked that it was disappointing that there was no mention of Tring or any villages regarding Recycle Week and Great Big Green Week stalls. RLeBrun confirmed that he could verify this.

Cllr Harden suggested that, given it is an official report, 'Berko' be replaced with 'Berkhamsted'. RLeBrun noted the mistake and confirmed this would be corrected.

Cllr England queried item 4, bullet point 9 on page 11 of the report regarding Street Champions, noting that the portfolio holder had informed him on 28th January and had confirmed there were 561 registered champions and 305 had been issued with

equipment. Cllr Barrett confirmed that the data provided in the email was correct and that the figures in the report were out of date. Cllr England suggested those figures should have been included in the report and asked what was being done to get the remaining 40% of Street Champions operational. Cllr Barrett noted that Cllr England had asked him this question recently and reiterated that all registrants are emailed monthly, though it is a voluntary initiative. Cllr England asked if they should therefore claim they have 305 Street Champions given that these are the ones with equipment. Cllr Barrett responded that they are clear on the number that has been signed up.

Cllr England queried the KPI on the time to replace a tree. RLeBrun stated that this would depend on the tree and that it may not be a like for like replacement, and a more specific answer could be given at a later date. Cllr Birnie agreed that like for like replacements are not always required. Cllr Barrett suggested there is no current KPI in the form requested. Cllr England suggested it currently takes 7 years to replace a tree and asked how they plan to improve this. Cllr Barrett advised there "like for like" does not necessarily mean that a tree is replaced in the same place and that there is a desire to increase the number of trees being planted and to reduce the time this takes, though this was a particular challenge given the recent storms.

ACTION: RLeBrun to find out why crisp packet recycling stand has been removed from the council building.

ACTION: RLeBrun to provide a written response to the full committee on distribution of communal waste bins to flats.

ACTION: RLeBrun to confirm what actions did take place for Recycle and Big Green Weeks.

7 ENVIRONMENTAL AND COMMUNITY PROTECTION PERFORMANCE REPORT Q3

RLeBrun took the report as read and provided an overview of Q3. The period saw the local Test and Trace service set up to support the national service and take up to 240 cases per quarter, though this far exceeded by going up to 1,093 cases and meant resources were pulled from the wider Environmental and Community Protection team to handle this and impacted other areas. The local service was suspended on 17th December 2021 and the national service took on the model.

Looking at large cases, RLeBrun confirmed RB Fencing was ordered to pay a fine of £6k due to using council land. Dacorum Sports Trust pleaded guilty at Crown Court on safety offences on 29th November following climbing incidents and warnings not being heeded. They were fined £33,333 plus a victim surcharge and £41k council costs.

RLeBrun noted the business continuity plan refresh to take on lessons learned.

On animal welfare, 4 dogs were seized, 1 of which died and 3 were rehomed. A 12-month community order was served with 100 hours of unpaid work, £300 of costs and £95 victim surcharge. Overall, 3 cases were reported, and all 3 owners were disqualified from keeping animals for life.

The Littering and Public Space Protection Order pilot was launched on 1st November. During this time, enforcement officers patrolled 974 hours covering all wards and issued 6 fixed penalty notices.

Cllr Silwal commented on item 2.5 of the report and the 66 accidents reported, asking if these were all of the accidents or incidents and if assessments were up to date. RLeBrun confirmed the risk assessment has been checked to ensure it is fit for purpose and Corporate Health and Safety also received a copy of the investigation report to ensure lessons are learned and documents are updated as required. It was confirmed that this was done on all internal accidents and incidents reported.

Cllr Wyatt-Lowe referred to the prosecution of Dacorum Sports Trust and asked what follow-up actions are being taken to prevent this from occurring again. RLeBrun advised that prohibition notices have been served and that officers have performed a number of follow-up visits and spot-checks to ensure the company's procedures and policies are suitable going forward. Spot-checks are still taking place and the prohibition notice is still in place for free climbing in this facility, so any further incidents would go back to a prosecution. RLeBrun stated that he doubted free climbing would ever be permitted in the facility and that the prohibition will remain in place.

Cllr Harden noted the district enforcements as listed on page 18 of the report and asked how success is being measured. RLeBrun advised that this forms part of the pilot to see which areas are seeing improvements and that, going forward, they will monitor litter levels, litter complaints, public consultations, and understanding if litter remains a problem across areas. RLeBrun confirmed the report on the pilot scheme would be provided to the Committee in June. Cllr Harden voiced concerns on the negative impact on DBC with regards to people penalised for dropping litter and noted that he was building up a case of individuals who have been unfairly penalised by officers. It was noted that part of the pilot is to establish how to measure success and how KPIs would follow such a contract, and that the police have commented there is a reduction in litter and issues with dog fouling. The response on social media has been widely complimentary and it is felt that very few people now litter or allow dogs to foul in open spaces, and therefore action is appropriate. All complaints around fixed penalty notices have all been fully investigated and body cams are reviewed with no complaints upheld.

Cllr Birnie noted his disappointment that the report did not include information about complaints being reviewed, stating that the public should not feel persecuted and they should know how many complaints are received. It was noted that this level of detail would be provided as part of the Q4 report.

Cllr England referred to item 5.6 and district enforcement, noting that Keep Britain Tidy state that 79% of sites have no cigarette waste but the proportion of all litter where fixed penalty notices are issued is at least 95%, and asked why there was a mismatch on the fixed penalty notices given and the litter they are tackling. RLeBrun advised that Keep Britain Tidy state that 79% of streets have cigarette litter and that there is no specific figure of how much litter overall is caused by cigarettes. RLeBrun noted the issues caused by cigarette litter and that the majority of action happens to be against this litter. Cllr England challenged this, stating that 95% is an overwhelming majority and that if the portfolio holder feels that 95% of the litter problem faced by Dacorum is caused by cigarette waste then this should be stated,

otherwise enforcement should not take advantage of the easy availability of targets. Cllr Banks stated that there will be movement in the provided figures and the breakdown will change.

Cllr Banks reported that 4.5 trillion cigarette butts are thrown away worldwide each year and cause extensive damage. Cllr Birnie suggested that Cllr England was not arguing about the damage caused by cigarette butts but was instead querying the figures, and that the report at the next meeting may provide the relevant figures.

Cllr England asked if the portfolio holder would stand by the assertion inherent in the policy that cigarette butts are 95% of the problem. Cllr Birnie said that they do not have the full-year figures at this point. Cllr Banks stated that she stands by her comments made at full Council.

Cllr Harden asked if body cam footage has to be recorded for the issuing of every fixed penalty notice. RLeBrun confirmed that body cams would be switched on when someone is approached, and if a complaint is issued, all aspects are reviewed. Cllr Banks added that body cams do not capture the offence and just capture the individual, as per the contract, to help substantiate the penalty notice. Cllr Harden noted that it therefore captures the altercation and that the majority of cases are therefore one person's word against another, adding that he would like evidence of the offence also captured. Cllr Banks responded that the actual incident would rarely be captured.

Cllr Wyatt-Lowe asked what the arrangement is for the sharing of fines generated. Cllr Banks confirmed the pilot contract has a 50/50 split between the council and the district enforcement agency. Cllr Wyatt-Lowe commented that the policy is in place due to concerns from the public regarding litter and that therefore any action would be worth pursuing, adding that she hoped to see a long-term change in people's habits and that they could monitor the policy's effectiveness through a reduction in litter being dropped.

Cllr Stevens suggested that funding be put into ensuring appropriate bins are installed in the relevant areas. Cllr Birnie clarified that Cllr Stevens was suggesting that some of the proceeds of fines should be put into installing more bins. Cllr Banks stated that they were not in a position to forward-plan funding given that this is a pilot but that she would take on the recommendation should the programme continue.

Cllr Foster asked if enforcement officers also pick up litter. Cllr Banks confirmed that picking up litter is not part of the contract and is the responsibility of Clean, Safe and Green collectors.

Cllr Foster asked if littering figures are provided to the public. Cllr Birnie reminded Cllr Foster that this is currently a pilot project and that no reporting will be made available to the public until the end of the pilot. Cllr Banks added that there has been a large amount of publicity about the pilot.

Cllr Foster noted that young people could not be fined and asked if enforcement officers still approach them. Cllr Banks confirmed that minors are not challenged by enforcement officers though they do engage with young people through school and college visits with any prosecutions handed to the police.

Cllr Foster asked if enforcement officers have targets to reach. Cllr Banks advised that enforcement officers do not have targets and that there are no penalties or incentives in place.

Cllr England asked if the pilot hopes to reduce litter, change habits or earn revenue, and if a map of all key problem areas within the borough will be made available at the end of the pilot. Cllr Banks confirmed that the purpose of the pilot is to keep streets clean and to address the issue proportionately. Cllr Banks stated that mapping litter was not part of the project but that there was likely to be intelligence around this. RLeBrun added that they already capture how many notices are issued in each ward and they have an overview of problem areas, which is being fed into understanding where further education and signage is required.

Cllr Harden queried the minimum age that fixed penalty notices could be issued. RLeBrun confirmed that this is 18 and above, and whilst legislation states it can be 10 years and above, but they do not wish to take this route.

The report was noted.

8 PLANNING, DEVELOPMENT AND REGENERATION PERFORMANCE Q3

ARobinson took the report as read and provided an overview. Planning income continues to be strong with 730 applications in the previous quarter, though there has been a slight drop in applications being determined within timescales and of validations within 3 days due to resourcing issues. However, there has been a slight improvement in enforcement.

Cllr Birnie referred to item 2.8 on page 21 of the report and asked why there was a delay on 2 out of the 4 major applications. ARobinson advised that 1 application referred to LA3 and the delay was due to finalising the S106 agreement. ARobinson confirmed he would provide a written response on the second application.

Cllr Birnie noted the shortage of officers and asked how recruitment could be improved. On enforcement, ARobinson confirmed that they have implemented the repurposing of Covid officers employed by the council and are working on a temporary basis in the enforcement team. On the broader issue, ARobinson advised that they are looking at co-operating with other authorities and if there are any opportunities to free up resources to work together better, though this would take a number of years to work through. Cllr Birnie asked if this referred to validation of applications. ARobinson stated that this could be included but they are not yet able to confirm which areas they could work together on. ARobinson added that they are also looking to re-grade certain posts and offer a higher salary.

Cllr Birnie stated that the Enforcement 400 plan did not appear to be working and asked what the remaining backlog is. ARobinson confirmed he would come back on the exact figure but agreed the plan was not working as hoped due to not having the staff to implement it. Cllr Birnie suggested that Covid restrictions were no longer an issue. AR responded that there was a backlog of applications due to Covid but agreed that it would not be an ongoing cause.

Cllr Wilkie commented on staffing issues and suggested that this could not be resolved given that it is a national issue. Cllr Wilkie noted the national portal is causing delays of up to 2 weeks and asked if this was a reason for delays in Q3 figures. ARobinson clarified that portal issues are not reflected in the reported figures.

The report was noted.

ACTION: ARobinson to provide a written response to the Committee on the delay to 1 of the major planning applications.

9 SKILLS SUPPLEMENTARY PLANNING DOCUMENT

ARobinson took the report as read and provided an overview, noting that the report looks to provide a new SPD to allow the council to require developers to deliver skills and apprenticeship training as part of developments. The proposal is that the document is consulted on before returning to the Committee and then going to Cabinet and Council.

Cllr Birnie noted that this was an interim advisory and would return to the Committee.

Cllr Timmis referred to the Social Value Strategy and that it would be delivered within S106, stating that this would be an additional charge on developers. ARobinson confirmed it would be a further obligation on developers to provide skills and apprenticeship training for residents of the borough. ARobinson stated that costs would be low as many organisations already have apprenticeship levies and schemes in place.

Cllr Wilkie thanked ARobinson for the report and asked how approved delivery partners are selected. ARobinson confirmed the report was created by Clare. On the delivery bodies, ARobinson clarified that the council has the option to contract out the implementation of the SPD to a third party and that this third party would work with the developer to get social value strategies in place. The council are yet to make a decision on whether there should be an approved partner, though the consultation provides the information for clarity.

Cllr Birnie asked if the delivery body would be paid for by the developer. ARobinson explained the developer is required to put the strategy in place and there would be an administration charge to put that process in place. ARobinson added it would be enforced through planning regulations and S106. Cllr Birnie asked if there would be a charge to the council. ARobinson confirmed that costs would be with the developer and the council's only role would be around obligation.

Cllr Wilkie agreed with the principle of the programme and asked who would take responsibility of the stated thresholds. ARobinson stated that the SPD would set out the charge per sqm or dwelling and this would be communicated to the approved delivery partner. ARobinson added that the threshold could not be so low that every house would need to implement a strategy though they need to ensure medium to large developments are captured. ARobinson reminded the Committee that this is still a consultation and that thresholds could be revised.

Cllr Wilkie asked if there would be a timeframe for the apprenticeship. ARobinson advised that this would depend on the development. Obligations for residential developments exist during the development whereas non-residential developments would broadly have a requirement for construction and operational phases.

Cllr Birnie commented on the shortage of building operatives and that developers would likely be in support of finding apprentices.

Cllr Harden referred to item 2.6 in the report, noting that the council could chose to resource directly or appoint an external body but that the report assumes an approved delivery partner will deliver this. Cllr Harden noted that much of the concept focuses on the 18-21 age group and encouraged that the proposal look at all ages. Cllr Harden also noted the wording in item 2.6 of 'council will provide support to developers to help them access local networks, providers and schools', stating that this appeared bureaucratic and suggested that an ADP manage this. ARobinson took the point on age ranges and confirmed that the focus was not intended to be only on school leavers. On the council's involvement, ARobinson advised that it would be to provide local intelligence and ensure the ADP understands what the local issues are.

Cllr Stevens commented on the threshold and asked if the 30-house limit was a finger-in-the-air number. ARobinson confirmed that this number could be reviewed and could be changed if it was felt it was not appropriate.

Cllr Stevens asked if any other planning authorities have a similar programme in place. ARobinson stated that the Dacorum is now in the minority by not providing it and that many London boroughs are more advanced in this area.

Cllr Stevens queried if the proposal has been put to developers. ARobinson explained that many developers are already running this scheme elsewhere and they would make representations known during the consultation process. Testing is being rolled out to applications in the system and so far none has questioned this.

In response to a question from Cllr Foster, ARobinson confirmed that thresholds are required and that the proposed figure will sit with an algorithm, though the formula needs to be set up on how many apprenticeships are required per development.

Cllr Foster noted the reference to the Social Value Act 2012 and asked how this is currently applied in Dacorum. ARobinson stated that he was unable to provide an answer on this and could take the question to the relevant colleague.

Cllr Beauchamp queried if local colleges have confirmed places will be available. ARobinson confirmed that they would contact colleges as part of the consultation process to ensure the skills gaps in the boroughs are matched by available courses.

Cllr Beauchamp asked if the provision of green space is part of the part of S106 and would include the Chilterns beechwood. ARobinson stated that developers have to pay into a mitigation strategy for the beechwoods and there would be a likely threshold for developers to provide onsite open space or pay towards the provision of open space. Cllr Beauchamp asked if this provision would be shared with other authorities. Cllr Birnie intervened to point out that that infrastructure can of course be handled by S106 agreements, but the beechwoods were irrelevant to the item under

discussion. ARobinson agreed that this was not a matter associated with the Chilterns beechwood. Cllr Birnie requested that Cllr Beauchamp raise his question at a more appropriate forum.

The report was noted.

ACTION: ARobinson to check how the Social Value Act 2012 is currently applied in Dacorum.

10 LUTON AIRPORT EXPANSION PROPOSALS

ARobinson began by noting corrections to the report as (1) on paragraph 2.4, references to “LOA” should read “LOAOL” and (2) on paragraph 4.12, the reference to 45% of passengers arriving by car. ARobinson should read as 55%.

ARobinson introduced members to Anthony Aldridge who was present to answer any questions.

ARobinson noted that the report sets out the statutory consultation that runs until 4th April. The consent order is expected later in the year, and the main issues have been summarised under section 4 of the report. ARobinson highlighted that Dacorum, by consequence of ownership of a small parcel of land included to the application, is technically considered a host authority. ARobinson confirmed that their previous response to the 2019 consultation has been included in the report.

ARobinson stated that officers would like to respond to the consultation as a host authority, working with other host authorities, and the purpose of the report is to capture the committee’s comments and the portfolio holder will be advised of the final response of the report and the committee’s views.

Cllr Timmis commented on the small area of land and asked if they were being grouped under Luton Borough Council, adding that they are now currently a host as it has been projected that the land will be acquired as part of the access road. ARobinson advised that the application includes Junction 10 and that they are included as a host authority by a small margin, though they do not know if the red line will change by the time the application is formally submitted.

Cllr Timmis queried what the implications would be on Dacorum being a host authority for a small area of land. ARobinson stated that there are additional obligations on host authorities to discharge in terms of consultation, but as a neighbouring authority, most additional implications do not go any further than when they were under the neighbouring authority status. AAldridge added that the implications of being a host authority are similar to being a neighbouring authority, such as consulting with other authorities on how to undertake the consultation, and that Dacorum were consulted with so there is no disadvantage procedurally. There will be a significant difference in the examination period with both host and neighbouring authorities invited to submit a local impact report by the planning inspectorate. AAldridge advised that the only real difference between host and neighbouring authorities post-application is that host authorities have an automatic right to appear at any hearings, though if representations are made as a neighbouring authority, this right will be granted.

Cllr Timmis noted that DBC passed a motion 2 weeks ago opposing Luton Airport's further planned expansion and that it will commit to continue to oppose the expansion. Cllr Timmis advised that the 2013 planning application was granted by Luton Borough Council based on certain conditions, including mitigation of noise and that this has not occurred, and only the A320 is quieter. Cllr Timmis commented that, as noise mitigation has not been delivered, she did not see how they could trust that the airport could deliver this in future, particularly as it will require more aircraft to achieve 32m passengers per year. Cllr Timmis noted that achieving 32m passengers would require the addition of 70% more flights from 11pm-7am and 50% during the day, leaving 3-5am as the only period with no flights. Cllr Timmis also noted the impact on the environment, stating that building will go over green space and the number of car parks has been considerably increased.

AAldridge responded to Cllr Timmis' comments, first stating that he felt there had been a misunderstanding with how they are dealing with issues or propose to do so. AAldridge explained that the issue regarding the A321neo is being taken seriously by the operating company and is being investigated. AAldridge confirmed that noise readings have been taken and that early modelling suggests the A321neo problem has not been fixed and that Airbus need to resolve this issue. AAldridge advised that they have modelled the next 10 years on the understanding that this will not be remedied and will be thereafter. Noise assessments are compared to 2019 as the last full year of operation with 21.5m passengers assessed as the first phase, followed by 27m and then 32m, and noise modelling is showing at each of these development phases that all noise contour areas are smaller than in 2019. AAldridge confirmed that noise would therefore be quieter than in 2019 even with increased aircraft. AAldridge added that the Green Control Growth proposals focus on impact and will therefore set hard limits based on the environmental assessments that will become enshrined in law.

Cllr Birnie noted the legal limits and asked who will enforce this. AAldridge advised that they are proposing to set up a new independent body to monitor how the Green Control Growth works in practice and it is suggested that this body be made up of the professional planning officers of directly affected authorities. This would mean Luton, North Herts, Hertfordshire and Central Bedfordshire, as well as aviation specialists. Approvals will then be made in accordance with legal limits set. Cllr Birnie asked how monitoring will take place. AAldridge explained that the airport operator has to set out how it intends to grow and stay within environmental limits, which will be approved by the monitoring body, and the monitoring regime will be part of that growth plan.

AAldridge stated that they have a good news story on noise where proposals are showing that noise is now quieter than it has been and there is a new independent monitoring and enforcement regime that has a statutory function to police this.

In response to an inaudible question from Cllr Birnie, AAldridge advised that they could produce incentive schemes, but what they are measuring is the noise impact irrespective of the number of aircraft.

Cllr Birnie asked if freight flights mostly take place at night. AAldridge confirmed that some night flights are freight flights, though a number also take place during the day.

AAldridge returned to Cllr Timmis' earlier comment regarding the 70% increase in night flights, advising that there is a current cap on night flights of 9,650 movements per year, and that they have committed to not changing this and will not seek to increase the Luton night-time cap. AAldridge explained that the heaviest usage has been 8,700 and there is therefore scope to go beyond this, which could go ahead regardless of the expansion plan.

Cllr Birnie noted that freight aircraft tend not to be as modern as passenger aircraft and are likely to be noisier and it appears that there is no control on the types of aircraft that can be used by the operators. AAldridge agreed with these comments.

Cllr Timmis remarked that aircraft noise was still too loud with 19m passengers in 2019 and stated that the airport had not delivered on the noise mitigation measures as part of the 2013 expansion. Cllr Timmis stated that a further promise on noise mitigation could therefore not be made and that this was the primary concern of those under the flightpath. AAldridge responded that Green Control Growth takes them away from measuring specific aircraft and will be a legal requirement. Affected neighbouring local authorities can also take legal action against the airport if there is a breach of limits.

Cllr Birnie asked how flight corridors have been changed. AAldridge explained this was a function of the assumed fleet mix in the future. Cllr Birnie stated that 1 of the 2 aircraft that use the airport most frequently is noisier. AAldridge advised that it is not noisier but is noisier than people expected, adding that it is quieter than the aircraft it has replaced.

Cllr Birnie asked what measures would be put in place to respond to complaints or if complainants would have to seek retribution in law. AAldridge explained that it would be difficult for limits to be breached as there are thresholds below the legal limits where an agreed growth plan is required to go beyond each threshold that would need to be approved by the new independent body, where the ultimate sanction would be stopping growth.

Cllr England commented that there was no quantified expression of the assurance being provided and asked how the current noise being produced relates to the threshold in numbers. AAldridge confirmed that there would be less noise at all stages of development compared to in 2019. Cllr England asked how this translates into sound measurement numbers. AAldridge explained that it is usually above the 57dB contour area, and the area covered is expressed in square kilometres. AAldridge advised that he did not have the area they were comparing to but provided assurance that they would be smaller at each stage.

Cllr England advised that people would still be annoyed by the amount of noise despite proof that it is quieter. AAldridge agreed, stating that on the application the accepted metric for measuring noise will be by having average noise contours for both day and night. In addition to this, they will measure and put out the peaks to ensure this is clearer to people.

Cllr Birnie asked AAldridge to keep the relevant officer abreast of any figures. AAldridge stated that there are a number of different figures but they are all available as part of the consultation material and website.

Cllr Timmis noted there would be a 60% increase in carbon emissions from flights, adding that the average short haul flight emits between 13 and 20 tons of CO₂. Cllr Timmis stated that she was unconvinced by carbon offsetting measures and that the Climate Change Committee reported to the government in 2020 that there should be no increase in UK airports if they wished to achieve net zero by 2050. Cllr Timmis added that she therefore saw no evidence for the need to increase to 32m passengers. Cllr Timmis noted that 65% of passengers would be accessing the airport by car and that the Luton DART only goes from Luton Airport Parkway Station to the airport.

Cllr Birnie summarised Cllr Timmis' comments and asked AAldridge what mitigation measures are in place for the pollution that will be produced. AAldridge acknowledged the climate emergency and noted that the government had rejected the Climate Change Committee's report but is still committed to achieving net zero by 2050, and that aviation growth is now factored into this target. AAldridge referred to the Jet Zero Consultation, noting that it states aviation emissions must be included in carbon budgets and that aviation growth is still supported, and that net zero would still be achievable across the country as a whole. AAldridge explained that the government have described aviation emissions as a global issue and if aviation growth is supported by the government then aviation emissions may increase but the Emissions Trading Scheme allows that to be balanced.

AAldridge noted the internal debate around whether aviation emissions should form part of the Green Control Growth Proposals but that this would restrict growth at Luton and would take place elsewhere. Looking at the 2-hour travel time catchment area at Luton, AAldridge advised that if they move flights to other airports then people will then need to travel further and travel emissions are therefore increased. This would also result in the loss of other benefits of expansion in Luton. AAldridge reiterated that they are unable to control aviation growth as this is decided at a government level, and that the proposal is therefore that Luton is the best place to grow it to gain all the other environmental and social benefits that this will provide.

Cllr Birnie noted Cllr Timmis' comments about the number of people travelling to Luton by car and that this would have a significant effect. AAldridge advised that within the Green Control Growth Proposals there are hard legal limits and that surface access carbon emissions and air quality are included within this. Assessments show that the difference in air quality with or without expansion is negligible. AAldridge noted that whilst Luton DART only travels 1.4 miles, it makes public transport more attractive than a bus service, and when East West Rail and Crossrail are also factored in, someone can easily access the airport from Reading, Oxford or Cambridge via public transport. AAldridge acknowledged there would be more carparking though there will be fewer spaces per passenger as there are currently.

Cllr Timmis referred to congestion on the M1 and that this congestion would increase with expansion, adding that they would see up to 40k additional passenger journeys per day on local roads. AAldridge agreed that the M1 continues to be an issue from Junctions 8-14 even without growth and stated that changes are required to how people access and leave the M1, including change to Junction 10. AAldridge stated that the M1 issue goes beyond airport expansion and that all authorities need to lobby National Highways, and that it has been agreed by National Highways that these issues could be expected to be resolved by 2035.

Cllr Foster asked if anything could stop them objecting to the proposals as a host authority. Cllr Birnie confirmed there was not.

Cllr Wilkie referred to the letter on page 68 and 69 of ARobinson's report noting the support of a second terminal and confirmed that this position has changed considerably. Cllr Wilkie noted the last council meeting on 23rd February and that the motion to oppose it completely had been carried. ARobinson confirmed that the previous letter had been included as a matter of fact on how they responded to the last consultation but recognised that the Council has now passed a motion setting out a different position.

Cllr Wilkie commented on the additional dangerous pollution caused by road travel and referred to the case of Ella Kissi-Debrah where a failure to reduce pollution was ruled as a contributing factor in the case. Cllr Wilkie asked what the mitigation policy would be and how being a host authority would affect DBC's responsibility regarding any subsequent harm caused. AAldridge confirmed that being a host authority means that part of the development is within its boundaries but infers no obligation to act in any particular way. Looking to road traffic movements, AAldridge advised that the actual change in movements would be around 20k per day, as reported within the available documentation, and that significant elements of growth do not happen from 2033 onwards when no diesel or petrol vehicles will be sold and there will be an increase in EVs.

On congestion, AAldridge noted a general increase in traffic year on year, which will continue regardless of expansion, and the consideration needs to be what will happen to road traffic by 2027, the next assessment period, if no changes are made. This provides a baseline future traffic condition that is layered with growth in traffic related to airport expansion, which will be limited by 2027. AAldridge noted that they would put forward proposals on changes that can be made to the highway network to impact the incremental growth that is as a direct result of the expansion proposals, and this is done at each assessment year in 2027, 2039 and 2043.

Cllr Wilkie stated that she did not agree that host authorities would not be responsible for any issues given the extent of changes. Cllr Wilkie noted AAldridge's remarks that the M1 would remain an issue for another 10 years and that the expansion proposal does not take this into consideration. AAldridge clarified that they have to mitigate the growth in traffic created by the growth proposal, but that traffic would continue to grow regardless.

Cllr Stevens commented on the monitoring body and remarked on the faith put into the effectiveness of it, adding that airline operators will find ways of moving the goalposts of the imposed thresholds unless injunctions are put in place. AAldridge advised that the independent monitoring body would have powers to approve growth plans and to monitor and state what the monitoring proposal should be. Planning enforcement is not an area they have been able to go as far as they want because, as a statutory body, they will not be allowed to take away Luton Council's planning enforcement ability, which means the enforcement body will remain Luton Council. AAldridge stated that they were uncomfortable with this and have therefore introduced that Luton Council must publish their reasoning behind all enforcement actions or decisions, and any dissatisfaction with these will be judicially reviewable.

AAldridge added that legal enforcement avenues are also open to other effected authorities.

Cllr Birnie noted that AAldridge had stated they could not take away enforcement powers from Luton Council but that Luton would have to agree with the independent body. Cllr Birnie stated that this was not true and that legal challenges would be particularly expensive. Cllr Birnie commented that a system that involves outside bodies needing to go to court to challenge any infringement of regulations sets a very high bar for outside authorities and would become a burden on taxpayers. AAldridge responded that there are other legal avenues available beyond injunctions.

Cllr Birnie gave an example of a previous S106 agreement with a developer in Dacorum to build a bridge over a road to the development which was not implemented and the cost to take the developer to court to do this was considerable and took around 2 years.

Cllr Taylor asked how Dacorum residents would access the airport by train. AA stated this would only be possible by travelling into London first, adding that bus and coach services are also available and that they will commit to working with operators on what improvements can be made in the future. AAldridge advised that they do not currently know what the requirement would be for these services but provision for ongoing monitoring will be included to establish this need and ensure it is built into requirements.

Cllr Taylor referred to AAldridge's earlier comments that Luton expansion would help avoid people north of London travelling to other airports and that the railway network would make it easier to get to Luton from Reading, though they would clearly be better suited to travelling to Heathrow. AAldridge clarified that saving people travelling time is not core to the proposal and that growth elsewhere would require people to travel further. AAldridge confirmed that the number of people within 2 hours of Luton is greater than most other airports within the country, and that a minimum of 45% of passengers must arrive at the airport by public transport otherwise they will not be able to achieve 32m passengers. AAldridge advised they would need to prove this was possible to allow this growth to be approved. Cllr Taylor suggested that this be done before applying for expansion, to which AAldridge asked how this would be funded. Cllr Taylor challenged that the result is often that public transport is not provided. AAldridge referred to the statutory limit as part of the Green Control Growth Plan and this would not be approved if only 30% of passengers are using public transport.

Cllr Birnie asked when the DART connection would take place. AAldridge confirmed that this has been built and is under testing.

Cllr Birnie apologised to AAldridge if any questioning appeared hostile and thanked AAldridge for making his case in a professional manner. Cllr Birnie thanked AAldridge for his attendance.

AAldridge left the meeting.

11 WORK PROGRAMME

Cllr Wyatt-Lowe suggested that the Chilterns beechwood topic be added to the work programme. Cllr Birnie noted that it was his last meeting and that it would therefore be wrong to dictate a detailed programme for his successor but agreed that the suggestion regarding the beechwood be noted for inclusion at some future date.

Cllr Timmis thanked Cllr Birnie for his chairmanship.

The Meeting ended at 10.25 pm