

## **A detailed objection to the application to build a new terminal and extend night flying at Leeds Bradford Airport (20/02559/FU)**

The North West Leeds Transport Forum, comprising representatives from 10<sup>1</sup> Residents Associations in North West Leeds, has studied the application in detail and, having considered all the arguments, wishes to object to the application in the strongest possible terms.

We believe that the negative consequences of the proposal far outweigh any benefits which may be claimed, that LCC must refuse the application and that a failure to do so would open it to legal challenge. We contend that the development would conflict with the spirit, and in many cases the letter, of National and/or LCC policies and priorities and note that members of our communities would be adversely affected by it.

Our reasons for objecting to the application are set out in detail in the appendices below but can be summarised under 10 headings as follows:

- 1. It would exacerbate climate change** (noting that the Application is expressly designed to allow the airport to expand its numbers and that increased travel by air inevitably results in increased emission of greenhouse gasses):
  - The first objective of LBA's expansion plan is to "meet the demand for air travel". This is akin to the old policy for road provision ("Predict and Provide") which is now discredited. It is also contrary to **NPPF** (National Planning Policy Framework) whose paragraph 103 says the planning system should "*actively manage growth .... through limiting the need to travel*", and which indicates that any new development should be sustainable ("meeting the needs of the present without compromising the ability of future generations to meet their own needs"). This view was upheld by the **UK Court of Appeal** in its ruling of February 2020 respecting expansion at Heathrow.
  - Increased travel by air would be inconsistent with LCC's declaration of a **Climate Emergency** (We note that the premise of the application is that the development is required to accommodate expansion of the airport to 7 mppa and beyond and that such an expansion would make it impossible to achievement a zero carbon city by 2030 as envisaged in the roadmap produced by the **Leeds Climate Change Commission** and endorsed by Executive Board in April 2019).
  - Increased travel by air would be inconsistent with the Government's commitment, under the **2016 Paris Agreement** to reduce emissions of greenhouse gases (we note that **The UK Court of Appeal** ruled, in February 2020, the UK government's approval of a third runway at Heathrow was unlawful because it had failed to take account of the commitments entered into under Paris Agreement. We also note that the recent refusals of permission for developments at Bristol and Stansted Airports have been influenced by concerns about the effects of increased air travel on emissions of greenhouse gasses.
  - Increased air travel would be inconsistent with the **House of Commons declaration of a National Climate Emergency** in May 2019 and with the target, legislated for in June 2019, to reach net-zero greenhouse gas emissions by 2050.

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<sup>1</sup> Beckett's Park Residents Association, Drummond and Church Wood Residents Association, Far Headingley Village Society, Foxhill Residents Association, Friends of Beckett Park, Little Woodhouse Community Association, North Hyde Park Neighbourhood Association, Turnways and Laurel Bank Residents Association, Weetwood Residents Association, and West Park Residents Association

- Increased air travel would be inconsistent with the views expressed by the Chair of the Leeds City Council (**LCC Climate Change Committee**) in his letter to the Secretary of State for Transport in September 2019 indicating that emissions from international aviation should be included within the UK's net-zero target and noting, inter alia, that:
  - *aviation is likely to be the largest emitting sector in the UK by 2050, even with strong progress on technology and limiting demand;*
  - *Some progress towards the 2050 targets could be made by limiting demand growth to at most 25% above current levels, and that there is potential to reduce emissions further with lower levels of demand;*
  - *Investments in airport infrastructure will need to be demonstrated to make economic sense in a net-zero world and the transition towards it.*
- Increased air travel would be contrary to the views expressed by The **Leeds Climate Change Committee (LCCC)** in its formal response to deliberations by the Leeds Citizens Jury. The LCCC indicated that *"The council recognises that the global emissions arising from aviation are significant, damaging to the environment and must be addressed in the strategy to combat global warming. Furthermore, it recognises that the planned increases to aviation in the national strategy over the next ten years will see a rise in emissions that will not be addressed by improvements to fuel efficiency or technology. The council also accepts given the scale of the global challenge that offsetting to compensate for the rise in emissions will not be sufficient"*. It went on to state that *"Aviation growth and meeting zero carbon targets are fundamentally incompatible until such time as new technologies are developed. Only when emissions from aircrafts have been adequately resolved can national and international aviation growth be supported"*.
- LBA's intention to expand its passenger numbers by 75% by 2030 is inconsistent with the view expressed by the **UK Committee on Climate Change** that growth up to 2050 should be limited to a maximum 25% - preferably less, and with the resolution passed by **LCC's Executive Board** in January 2020 to the effect that the council accepts that aviation growth and meeting zero carbon targets are fundamentally incompatible until such time as new technologies are developed.

## 2. It would result in increased noise, reductions in air quality and deleterious consequences for human health and the quality of life:

- The application documents reveal that the main consequence of the proposed relaxation of night flying restrictions would be a very significant increase in the number of flights between 2300 and 0700. This is clearly intended and is therefore contrary to the **UK Aviation Policy Framework [2013]** which expects the industry to minimise the demand for night flights.
- The application documents reveal that the development would result in 123,000 more people being exposed to levels of night time aircraft noise at levels which would have observable adverse effect on them. This means that the development would be contrary to: **LCC UDP saved policy GP5** (which states that development proposals should seek to avoid environmental intrusion) and to paragraph 3.35 of the 2013 **National Aviation Framework** (which puts a requirement on the industry to seek to minimise noise impacts and, in particular, to minimise noise nuisance associated with night flights).
- It would be incompatible with the **Noise Policy Statement for England** (which expects adverse effects on health and quality of life to be minimised), with government policy as expressed in its **Consultation Document on Noise at London Airports**, and with the Environmental Noise Guidelines produced by the **World Health Organisation [WHO]** (which recommend standards which are higher than those currently in force in the UK),

and with Leeds' **Health and Wellbeing Strategy** and its aspiration to be the "Best City for Health and Wellbeing".

- A grant of permission to such a development would be contrary to **NPPF** guidance (which, in its para 170 states that Planning decisions should "*contribute to and enhance the natural and local environment by: ...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution* . and in its para 180 states that planning decisions should "*ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*".
- We note that the figures presented in the application documents were based on assumptions about the modernisation of the aircraft fleet which are, post-Covid, likely to prove over-optimistic and thus that the noise per aircraft is likely to be even greater than has been assumed.
- The application documents reveal that the development would have adverse consequences for air quality. This outcome would be contrary to local and national policy and, again, we note that the forecasts are based on optimistic, pre-Covid, assumptions about fleet renewal.
- The application documents reveal that the increased exposure to noise associated with the development would have adverse consequences for the health of several thousand people. This is clearly contrary to local and national policy.
- The application documents reveal that the development would have adverse consequences for the quality of life of thousands of Leeds residents. This is clearly contrary to local and national policy and is anathema to Leeds' Best City aspiration.
- We note that, even with the introduction of a night noise quota, the proposed removal of a cap on the number of night flights and the proposed increase in the permitted noise on take-off would be completely contrary to national and local policy.
- We note that, despite claims to the contrary, the proposed regime at Leeds Bradford Airport would be much less stringent than that at other airports.
- We note that many of the noise mitigation measures proposed by the applicant are weak and that their commitments to implement them are vague. We also note that, despite claims to the contrary, many, if not all of them could be implemented without the proposed development.
- NWLTF has a direct concern about aircraft noise in this part of the city (and, in this, it is spurred by the results of a recent survey of attitudes to noise in North West Leeds) but is concerned also about its impacts in other parts of the city where residents may be less likely to make their feelings known to the authorities.
- See *Appendix 1 for more detail on our concerns about noise and health impacts.*

### **3. It would create serious problems associated with surface access:**

- An extra 3 mppa (million passenger per year) would mean more than 8000 more trips to and from LBA every day and the majority of these would be by road even if the new Parkway Station were built.
- We note that **LCC Policy SP12**'s support for continued development of LBA is conditional on there being adequate provision of "*major public transport infrastructure (such as Tram Train) and surface access improvements at agreed passenger levels*" and with identified funding being available for that. Following the cancellation of the A65-A658 link, the planned provision is clearly inadequate – particularly in respect of access to the South and East and along the A65 and A658.

- We also note the **Section 106 Agreement** associated with on the 2018 permission to extend the existing terminal (ref 18/06788/FU) whereby expansion beyond 5 mppa would be conditional on submission of a further application. Imposition of this condition presumably reflected LCC's recognition of the need to have a fully developed and funded solution to surface access problems before the airport is allowed to expand beyond 5 mppa.
- LBA is offering no significant contribution to the costs of highway works which would be necessitated by the development. This is contrary to the UK **Aviation Policy Framework 2013** (which indicates that expanding airports should pay for any resulting requirement to upgrade or enhancement necessary to accommodate surface access), and to **LCC Policy T2** (which indicates that developer contributions will be required for off-site highway improvements necessitated by a new development). Taken together with paragraph 108 of the **NPPF** (which indicates that, in considering applications, account must be taken of the need to mitigate impacts on highway network capacity, congestion or safety), this is a clear deficiency in the application.
- We identify several examples of the problems that would result were the expansion of the airport to proceed as per the submitted application.
- *See Appendix 2 for more detail.*

#### 4. Positive impacts on the local economy have been exaggerated:

- The Economic Assessment produced by York Aviation in 2020 (not yet peer-reviewed), deals with the economic impact of the airport and headlines an £869m GVA (Gross Value Added) contribution to the regional economy by the Airport were the development to proceed. However, this is a gross figure rather than one that can be attributed solely to the development. Using York Aviation's figures (from Tables 6.2 and 6.3) we calculate that the additional GVA which York Aviation would attribute to the development is actually around £201m p.a.<sup>2</sup>
- Further, the York Aviation estimates do not appear to have allowed for the fact that passengers passing through LBA are, on balance, taking money out of the local economy (currently, the annual spend overseas by tourists flying out via LBA is around £874m which is around £626m more than the spend in our region by overseas tourists flying in via LBA)<sup>3</sup>. We would not claim that all overseas spend by tourists using LBA would be spent in their home region if they did not have the opportunity to fly via LBA, but we do suggest that the deficit should be taken into consideration and note that, if a £626m deficit is associated with 4 mppa, it may be assumed that the additional 1.6 mppa associated with the development would increase this deficit by about £250m [ $1.6/4 \times 626 = 250.4$ ].
- The York Aviation estimates do not put any value on the adverse health impacts attributable to the development nor on the intangible value of reduced quality of life.

<sup>2</sup> Using the figures from York Aviation's 2020 report: if LBA contributes £492m GVA to the regional economy in 2018 with 4 mppa and £869m GVA with 7 mppa, the additional contribution of the additional 3 mppa is £377m [869-492] or £125.66<sup>r</sup>m per 1 mppa. If the development adds an extra 1.6 mppa (1.6 being the difference between a throughput of 5.5 mppa without the development and 7.1mppa with the development), then it is contributing £201m GVA [ $1.6 \times 125.66^r = 201$ ].

<sup>3</sup> The 2017 CAA survey indicates that LBA handled about 380,000 overseas tourists inbound to the UK and 1,312,000 UK tourists outbound to overseas. The Office of National Statistics data for 2019 indicates that visitors to the UK spent an average of £654 per head in the UK, and UK residents travelling abroad spent an average of £666 per head abroad. Using these averages, we may assume that the total spend by overseas tourists inbound via LBA is around £248m [380,000x 654], while the overseas spend by tourists outbound from LBA is around £874m [1,312,000x 666].

However, using figures quoted in Table 10.4.6<sup>4</sup>, we note that the value of sleep disturbance and annoyance attributable to the development is around £27m p.a.

- A fuller assessment of the economic impact of the proposed development on the regional economy thus begins to look closer to minus £76m [201-250-27 = minus 76] than to plus £869 – and this is without considering the “value” of reduced quality of Life. And a further downward revision may be called for in the light of what would appear to be a rather overestimate of the impact of the development on employment (see below).
- We accept that expansion would create some jobs at the airport. However:
  - We question whether the proportional increase would be so much greater than the increase in passenger numbers. (Data from tables 24 and 15 in Appendix 8.1 indicates that it is being assumed that, between 2019 and 2030, the number of jobs at the airport will rise by 1160 if the development goes ahead and by 480 if it does not. It is apparently being assumed that the addition of 29% more passengers [ $7.1/5.5 = 1.29$ ] creates 142% more jobs [ $1160/480 = 2.417$ ]! Given the likelihood of economies of scale, we would have expected the growth in employment to be less than proportional to the growth in passenger numbers rather than massively more than proportional. If this assumption is built into the GVA calculations then they, too, must be viewed with considerable skepticism.
  - Many of the new jobs would be unsustainable, susceptible to automation and particularly vulnerable to future pandemics<sup>5</sup> and climate-change-related crises and thus out of step with the ambition, shared by all political parties and endorsed by WYCA, the LEP and Central Government, to focus on the creation of a sustainable economy capitalising on new opportunities opening up in the green economy.
  - New jobs at the airport would be offset by jobs lost elsewhere in the region due to increased export of tourist expenditure (the increased number of inbound tourists would be completely outweighed by the increased number of outbound tourists).

#### 5. It would tend to increase inequalities in our region:

- We note that the expanded airport would cater for users with above average incomes – particularly those making multiple trips per year, whereas many of those who would suffer from increased night time noise live in some of the most deprived parts of Leeds. This outcome would be contrary to LCCs **Health and Wellbeing Strategy** which seeks to reduce health inequalities and improve the health of the poorest the fastest.
- We also note the absence of any serious assessment of the likely net impact on ethnic minority populations and note that this is contrary to the 2010 **Equality Act** and with LCCs Health and Wellbeing Strategy.
- See *Appendix 3 for more detail*.

#### 6. The consultation has been flawed

- The **NPPF** expects directly affected communities to be involved in the planning process and this expectation is echoed in LCC’s **Statement of Community Involvement**, which emphasises the need for effective involvement of communities in the planning process and puts the onus on the developer to ensure that appropriate consultation is carried out.
- However, we contend that this expectation has not been met. For example:
  - The prior consultation did not involve communities under the south-eastern flight path;

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<sup>4</sup> The values in these tables are based on a methodology recommended by the World Health Organisation (note that there is an error in the column headings which can be deduced by reading the accompanying text).

<sup>5</sup> As we write this we learn of redundancies at LBA which are attributed to the first wave of the current Covid pandemic.

- The membership of the Airport Consultative Committee was, and remains, unrepresentative of the affected population;
- The main consultation event was poorly advertised and uninformative in respect of likely noise impacts. Furthermore, its location effectively disenfranchised deprived communities in inner Leeds who are predicted to suffer increased night time noise if the application is approved.
- LBA's decision to combine its proposal to relax the current restrictions on night flights with its proposal to build a new terminal, and then to focus its publicity almost exclusively on the latter, has created problems:
  - Some people have, apparently, not been aware of the proposed changes in night flights and have commented on the application as if it were solely about a new terminal (given the nature of the consultation material, we do not think it likely that anyone would not be aware of the proposed new terminal).
  - Since one element is inherently likely to receive support and the other is inherently likely to raise opposition, it will be difficult to gauge the full extent of opposition to (or support for) the two aspects of the application.
- Due to Covid-19, there has been no opportunity for normal public consultation on the plans that have now come forward or on the surface access strategy being developed by LCC and WYCA
- The Application documents, as presented on the Planning Portal, are not conducive to effective public participation.
- *See Appendix 4 for further explanation and details.*

**7. The applicant has made claims which we believe to be seriously misleading and likely to materially affect perception of the issues at stake:**

- The purpose of the relaxation in night flying restrictions is misrepresented as an attempt to achieve a level playing field between them and their competitors (in fact their proposed regime would be significantly less stringent than that at MAN or LHR)
- The existing cap on the number of night flights is represented as allowing unlimited flights by modern jet airlines. We do not believe this to be the case.
- *See Appendix 5 for more detail on these and other misleading impressions given out by the applicants*

**8. The application documents posted on the Planning Portal are inadequate in various respects:**

- The documents contain numerous errors and are not readily intelligible to lay readers.
- Some important information and analyses are absent from the documents.
- These deficiencies are inconsistent with the NPPF and with LCC's **Statement of Community Involvement**
- *See Appendix 6 for further details.*

**9. We have concerns about the accuracy of some of the analyses which have been used to justify the application:**

- Concerning the prediction of noise impacts
- Concerning the analysis of surface access impacts
- Concerning the prediction of emissions
- *See Appendix 7 for further details.*

**10. The Application was devised prior to the Covid crisis and its predicted impacts have been based on assumptions which are no longer tenable:**

- The "need" for expansion was predicated on forecasts made in 2013 and validated against pre-Covid predictions of UK GDP. They should be revised to reflect:
  - significant reductions in the forecasts for UK GDP;

- the post-Covid world in which business travel is likely to be severely reduced and foreign holidays less attractive/affordable;
- the likelihood that BREXIT, which was not envisaged in 2013, is likely to reduce interaction between the UK and destinations within the EU;
- increased public and political awareness of the adverse impacts of aviation on the global climate (eg “Flight- shaming” and increased pressure to remove aviation’s privileged position respecting fuel taxes and carbon emissions);
- The Applicants’ assumption that Leeds business needs access to a thriving local airport is undermined by the fact that, following widespread experience with virtual meetings, it is clear that a great deal of business can be conducted efficiently without the time and expense involved in travel.
- The predicted increases in noise and emissions due to the proposed development were based on the assumption that the development itself would persuade airlines to invest in newer, quieter, lower-emitting aircraft. This assumption is likely to prove over-optimistic given the financial problems being experienced by airlines post-Covid (industry insiders predict a glut of second hand aircraft released by bankrupt airlines which will effectively destroy the market for new aircraft – a possibility which will have contributed to aircraft manufacturers’ decisions to lay-off thousands of staff). The amount of noise and emissions per flight will be much greater than has been assumed.
- The terminal building was designed to pre-Covid standards and, given the requirement (under Regulation 4(4) of the Town and Country Planning [Environmental Impact Assessment] Regulations 2017) that *“The significant effects to be identified, described and assessed under paragraph (2) include the expected significant effects arising from the vulnerability of the proposed development to major accidents or disasters that are relevant to that development.”*, this is clearly something which needs to be addressed.

NWLTF strongly objects to the Application and believes that it should be rejected outright. It notes the opinion of the Civil Aviation Authority that restrictions on the number or nature of flights at individual airports are a matter for the Local Planning Authority rather than central government<sup>6</sup> and urges LCC to use its powers accordingly.

Submitted by the North West Leeds Transport Forum on 10<sup>th</sup> July 2020.

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<sup>6</sup> the CAA explicitly say (in their FAQ section) that *“ In the United Kingdom, government policy on the control of aircraft noise is the responsibility of the Department for Transport (DfT). However, apart from at three airports - Heathrow, Gatwick and Stansted, where DfT retains direct responsibility for regulating aviation noise - the overall policy is that noise issues are best handled at a local level by the airport and the relevant local authority, engaging with people who are affected by noise. That means decisions about whether aircraft can operate at night, and how many aircraft are allowed to fly on any given day, etc are generally made by local authorities when they give permission for an airport to be built or expanded.”*

## Appendix 1 - Regarding noise and adverse impacts on health

### 1. Conflict with Policy and Guidance

The application contravenes the UK's **2013 Aviation Policy Framework** (section 3.35 on Night noise states that *"In recognising these higher costs upon local communities, we expect the aviation industry to make extra efforts to reduce and mitigate noise from night flights through use of best-in-class aircraft, best practice operating procedures, seeking ways to provide respite wherever possible and minimising the demand for night flights where alternatives are available. ...As a general principle, the Government therefore expects that future growth in aviation should ensure that benefits are shared between the aviation industry and local communities. This means that the industry must continue to reduce and mitigate noise as airport capacity grows. As noise levels fall with technology improvements the aviation industry should be expected to share the benefits from these improvements."* However:

- The proposals would increase noise, not reducing or mitigating it as per APF expectation
- There is an alternative to night flights, which are unpopular with flyers and are simply a device to maximise asset exploitation, namely day flights!
- The benefits of improvements in technology are not being shared with the community, rather they are being exploited to fly more planes

**The Noise Policy Statement for England** requires *"...effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development"*. It seeks to: *"- avoid significant adverse impacts on health and quality of life; - mitigate and minimise adverse impacts on health and quality of life; and - where possible, contribute to the improvement of health and quality of life."* However, it is clear from the application documents that the development increases adverse impacts on health and quality of life. It cannot therefore be said to be minimising them. Furthermore, the Applicants were not compelled to include proposals to revise existing restrictions on night flights and so the application fails to *"contribute, where possible, to the improvement of health and quality of life"*.

**Leeds' Core Strategy SP12** states that *"The continued development of Leeds Bradford International Airport will be supported to enable it to fulfil its role as an important regional airport subject to: ... (iii) Environmental assessment and agreed plans to mitigate adverse environmental effects, where appropriate"*. Thus, in the absence of agreed plans to mitigate the adverse impacts of noise (the proposals on which are very tentative – see section 8 below), the application cannot be accepted.

**LCC UDP saved policy GP5** states that development proposals should seek to avoid environmental intrusion. However, the application documents reveal that the development would result in 123,000 more people being exposed to levels of night time aircraft noise at levels which would have observable adverse effect on them. This means that the development would be contrary to Policy GP5.

Paragraph 1.2 of the **Government's Consultation Document on Noise at London Airports** (2017) must reflect government policy. It emphasises the need to protect local communities from excessive night noise which government recognises as the least acceptable aspect of aircraft operations. We argue that, since the application expressly seeks permission to increase night