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Attn: Principal Legal Officer

By email only:

Copied to: Leeds Bradford Airport Ltd, Herbert Smith Freehills Kramer

EMAIL:

TELEPHONE:

YOUR REF: 26/00926/CLE; 26/02321/COND

OUR REF: RGA/MAT/00342227/2

DATED: 26 June 2026

Dear Leeds City Council

Certificate of lawfulness of existing use or development granted to Leeds Bradford Airport Ltd under s191 of the Town and Country Planning Act 1990 (reference 26/00926/CLE)

1. We refer to your response dated 16 June 2026 to our pre-action letter dated 29 May 2026, as well as the response of Leeds Bradford Airport which was sent on 12 June 2026 and copied to you. Defined terms have the same meaning as in the pre-action letter.

2. In light of your response, and your regrettably late publication of the Officer's Report accompanying the grant of the CLEUD, GALBA has decided not to bring a claim for judicial review. For the avoidance of doubt, GALBA continues to consider that it was inappropriate and unlawful to grant the CLEUD for the reasons set out in the PAP letter. However, GALBA has decided that at the present time, on balance, its priority is ensuring LCC's approach to regulating the airport following the grant of the CLEUD is appropriately robust and safeguards the public interest.

3. Even though it will not pursue a claim for judicial review, GALBA is particularly concerned to have read the worrying indications in LBA's PAP response that:

    (a) notwithstanding the terms of the CLEUD approved by LCC, LBA continues to consider that "it has an accrued right to fly aircraft below 87 EPNdB during the night time" and that its "position remains that it also has an accrued right to fly more [than 941 movements] even though LCC has not certified an unlimited number"; and
    (b) LBA considers that LCC has no power to approve aircraft in accordance with Condition 6(c) without an application first having been made by LBA and so considers that LCC's approval in accordance with Condition 6(c) of any night-time movements of aircraft classed as less than 87 EPNdB over and above the 941 such aircraft movements certified as lawful by the CLEUD has "no legal effect".

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4. Whatever LBA's view as to the lawfulness of allowing more than 941 aircraft movements, it is obvious in light of the CLEUD that LCC's view is that 941 is the maximum number of night-time movements of aircraft classed as less than 87 EPNdB that are legally permissible in a calendar year based on the LBA's history of breaching Condition 6. LBA may consider that it has an "accrued right" to fly more aircraft than that, but that is not LCC's view of the maximum extent of the "accrued right".

5. Should LBA allow aircraft movements to exceed the caps in Condition 7 on the purported basis that *any* aircraft movements of aircraft classed as less than 87 EPNdB do not count towards the caps because LBA believes its "accrued right" allows an unlimited number of such aircraft movements and that LCC's Condition 6(c) approval has "no legal effect", then LCC should urgently take enforcement action. For the avoidance of doubt, that would mean that, should LBA fly more than 2,141[1] aircraft in any winter season, or 3,861[2] in any summer season, then LCC should take enforcement action.

6. GALBA would be grateful if you could confirm that LCC will take immediate enforcement action should the circumstances in paragraph 5 arise.

7. Finally, GALBA considers that given LBA's stated position, robust monitoring by LCC of the number of night-time aircraft movements will be critical to ensure that enforcement action is taken in a timely manner if necessary. Please therefore also confirm what steps LCC will take in order to monitor the number of night-time aircraft movements. GALBA considers that monitoring should require at least that LBA submits monthly monitoring reports in accordance with condition 12, and which should be made public via the planning portal.

8. Please respond as soon as possible and in any event within 14 days, i.e. **10 July 2026**.

Yours faithfully

Leigh Day

[1] The existing winter cap of 1,200, plus 941.
[2] Assuming 120 movements have been rolled over from the winter season into the summer season, bringing the total summer cap to 2,920, and adding 941.