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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

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8.03 Statement of Common Ground between London Luton Airport Limited and Prax Downstream UK Limited

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.03

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

**London Luton Airport Expansion Development Consent
Order 202x**

**8.03 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
PRAX DOWNSTREAM UK LIMITED**

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) London Luton Airport Limited (trading as Luton Rising) and (2) Prax Downstream UK Limited.

Signed on Behalf of LONDON LUTON AIRPORT LIMITED (TRADING AS LUTON RISING)

Signature:

Name:

Position:

Date:

Signed on Behalf of PRAX DOWNSTREAM UK LIMITED

Signature:

Name:

Position:

Date:

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1 INTRODUCTION AND PURPOSE

1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) relates to an application made by London Luton Airport Limited, trading as Luton Rising (“the Applicant”), to the Secretary of State for Transport under section 37 of the Planning Act 2008 (“the Act”).

1.1.2 The application is for an order granting development consent, known as a Development Consent Order (DCO). The draft DCO is referred to as the London Luton Airport (Expansion) Development Consent Order. The DCO, if granted, would authorise an increase of the permitted capacity of London Luton Airport (“the airport”) to 32 million passengers per annum (mppa) (“the Proposed Development”).

1.1.3 This SoCG has been prepared by the Applicant and Prax Downstream UK Limited in respect of the Proposed Development. In particular, this SoCG focuses on:

- a. The fuel supply strategy for the Proposed Development.

1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58-65 of the Department for Communities and Local Government’s guidance entitled “Planning Act 2008: examination of applications for development consent” (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”

1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination phase focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.2 Parties to this SoCG

1.2.1 The Applicant is the owner of the airport and is a private limited company wholly owned by Luton Borough Council (LBC). The airport is managed and operated by London Luton Airport Operations Ltd through a Concession Agreement with the Applicant and LBC. This agreement lasts until 2032.

1.2.2 Prax Downstream UK Limited (“Prax”) is a British multinational independent oil refining, storage, distribution, sales conglomerate dealing in crude oil, petroleum

products and bio-fuels. It is not listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. However, whilst Prax is not a statutory undertaker for the purposes of the Act, it has interest in a fuel pipeline and benefits from some statutory protection in respect of its assets and so was consulted as if it were a prescribed consultee by the Applicant (on a precautionary basis).

- 1.2.3 The Applicant and Prax are collectively referred to in this SoCG as ‘the parties’. The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

1.3 Proposed Development description

- 1.3.1 The Proposed Development builds on the current operational airport with the construction of a new passenger terminal and additional aircraft stands to the north east of the runway. This will take the overall passenger capacity from 18 mppa to 32 mppa¹. In addition to the above and to support the initial increase in demand, the existing infrastructure and supporting facilities will be improved in line with the incremental growth in capacity of the airport.

- 1.3.2 Key elements of the Proposed Development include:

- a. extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity;
- b. new passenger terminal building and boarding piers (Terminal 2);
- c. earthworks to create an extension to the current airfield platform; the vast majority of materials for these earthworks would be generated on site;
- d. airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility;
- e. landside facilities, including buildings which support the operational, energy and servicing needs of the airport;
- f. enhancement of the existing surface access network, including a new dual carriageway road accessed via a new junction on the existing New Airport Way (A1081) to the new passenger terminal along with the provision of forecourt and car parking facilities;

¹ On 1 December 2021, the local planning authority (Luton Borough Council) resolved to grant permission for the current airport operator (LLAOL) to grow the airport up to 19 mppa, from its previous permitted cap of 18 mppa. Since then, the application was called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority. The inquiry to consider the called-in application opened on Tuesday 27 September 2022, and closed on Friday 18 November 2022. At the time of submission of the application for development consent the outcome of the inquiry was still unknown. Hence, all of the assessment work to date has been undertaken using a “baseline” of 18 mppa. Nonetheless, in anticipation of LLAOL’s 19 mppa planning application, the Applicant’s environmental assessments included sensitivity analysis of the implications of the permitted cap increasing. As a result, the Applicant believes that the environmental assessments are sufficiently representative of the likely significant effects of expansion, whether the baseline is 18 mppa or 19 mppa. Where the change of the baseline does affect an assessment topic, in most cases it means that the “core” assessments (using an 18 mppa baseline) report a marginally greater change than would be the case with a 19 mppa baseline. The findings of the assessment are presented in the Environmental Statement submitted with the application for development consent.

- g. extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal;
- h. landscape and ecological improvements, including the replacement of existing open space; and
- i. further infrastructure enhancements and initiatives to support the target of achieving zero emission ground operations by 2040², with interventions to support carbon neutrality being delivered sooner including facilities for greater public transport usage, improved thermal efficiency, electric vehicle charging, on-site energy generation and storage, new aircraft fuel pipeline connection and storage facilities and sustainable surface and foul water management installations.

² This is a Government target, for which the precise definition will be subject to further consultation following the *Jet Zero Strategy*, and which will require further mitigations beyond those secured under the DCO.

2 ENGAGEMENT WITH PRAX

2.1 Summary of engagement

- 2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it has informed the DCO application, is set out in full in the **Consultation Report [AS-048]**. Whilst Prax is not a statutory undertaker for the purposes of the Act, it was consulted as if it were a prescribed consultee by the Applicant on a precautionary basis, as it has interest in a fuel pipeline and benefits from some statutory protection in respect of its assets. Prax submitted a formal response to the 2022 consultation carried out by the Applicant.
- 2.1.2 The parties continue to be in direct communication in respect of the Proposed Development.
- 2.1.3 This SoCG between the parties is based on a programme of consultation and ongoing engagement which are summarised in Table 2-1. This sets out the meetings and substantive correspondence that took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and Prax

Date	Form of correspondence	Details
13 July 2021	Meeting – MS Teams	Scheme update provided by the project team and discussions around the fuel strategy, Sustainable Aviation Fuels and any updates from Prax.
12 August 2021	Meeting – MS Teams	Prax and the project team both provided updates since the last meeting. Discussion points: SoCGs, sustainable aviation fuel and the fuel strategy.
27 April 2022	Meeting – MS Teams	Progress discussion around the fuel strategy and developing an SoCG.
25 May 2022	Meeting – MS Teams	Discussion regarding Table 3 of the SoCG and any ongoing issues.
1 June 2022	Meeting – MS Teams	Discussion regarding the fuel storage facility at phase 1 and the draft SoCG matters.

29 September 2022	Email	<p>Discussion regarding the draft DCO application documents shared for comment, in advance of finalising them for submission to the Planning Inspectorate:</p> <ul style="list-style-type: none"> • Development Consent Order • Draft Explanatory Memorandum • Land Plans (LLADCO-£C-WSP-WHS-GEN-IM-IM-0002-Example) • Work Plans (LLADCO-3C-CAP-WHS-DR-0040) • Scheme Layout Plans (LLADCO-3C-CAP-WHS-GEN-DR-AR-1240 & 1260)
12 October 2022	Meeting – MS Teams	Scheme update, discussion on fencing of the Above Ground Installation and DCO documents. Prax's legal team to check over DCO documents.
14 November 2022	Email	Draft SoCG sent to Prax for review.
19 November 2022	Email	Two comments received from Prax on the Draft DCO documentation. No specific comments on the SoCG at this stage.
20 November 2022	Email	Response sent to Prax in relation to questions raised on Draft DCO documentation.
29 March 2023	Email	Sent PINS website link to Prax of full suite of application documents and draft SoCG for any further comments.
18 May 2023	Email	Confirmation from Prax that they agree with the contents of the SoCG.
24 July 2023	Email	SoCG sent for final review ahead of issue to PINS
28 July 2023	Email	Prax company name updated and agreement to issue to PINS

3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SOCG ID	Matter	Prax position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
3.1	Fuel Supply				
3.1.1	Phase 2 Fuel Delivery	In agreement with the Applicant.	The parties agree with the strategy to supply fuel for the airport needs via a proposed Fuel Storage Facility located to the east of the development. This Fuel Storage Facility will be connected to the Fina Pipeline via a spur connection. The storage capacity at this Fuel Storage Facility will cater for all Annual Air Traffic Movements.	Meeting with Prax on 12 October 2022	Agreed
3.1.2	Sustainable Aviation Fuels	In agreement with the Applicant.	The parties agree that for Terminal 2 operations segregation of Sustainable Aviation Fuels from Jet A fuel will not be required and will use common infrastructure.	Meeting with Prax on 12 October 2022	Agreed
3.1.3	Sustainable Aviation Fuels	In agreement with the Applicant.	The parties agree that Sustainable Aviation Fuels will be blended off site at the refinery. Therefore, it is intended that blending facilities will not be required for the proposed Fuel Storage Facility.	Meeting with Prax on 12 October 2022	Agreed
3.1.4	Fina Pipeline Delivery	The exact details of the operation of the pipeline in 2032 cannot be confirmed, therefore a	The Applicant has completed a sensitivity test to ensure the sizing of the facilities and	Meeting with Prax on 12	Agreed

SOCG ID	Matter	Prax position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>100% pipeline fuel delivery for Phase 2 cannot be guaranteed.</p> <p>In addition, Prax have confirmed that other fuel companies could use the pipeline, either by purchasing at source at the refinery or at the proposed Fuel Storage Facility.</p>	environmental effects are considered in the case of not having a 100% pipeline fuel delivery.	October 2022	
3.1.5	Above Ground Installation facility	In agreement with the Applicant.	The parties agree on the location of the proposed Above Ground Installation, which enables an optimal connection to the Fina pipeline whilst reducing the impact on the green belt boundary.	Meeting with Prax on 12 October 2022	Agreed