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London Luton Airport Expansion

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**8.10 Statement of Common Ground between London
Luton Airport Limited and the Civil Aviation Authority
(Tracked Change Version)**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.10

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.10 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND THE
CIVIL AVIATION AUTHORITY (TRACKED CHANGE VERSION)**

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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) the Civil Aviation Authority.

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

Signature:

Name:

Position:

Date:

Signed on Behalf of the CIVIL AVIATION AUTHORITY

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 the Civil Aviation Authority (CAA) in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. Aerodrome Certification
 - b. Airspace
 - c. Noise envelope and Green Controlled Growth
 - d. Climate Change/Carbon
 - e. Accessibility
 - f. Security
- 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.
- 1.2.2 The CAA is the UK's aviation regulator, and works to ensure that the aviation industry maintains a high standard of safety and manages security risks effectively. The CAA's functions also require it to take into account the environmental impact of aviation including of noise on local communities and on CO₂ emissions, and to consider whether consumers receive value for money and are protected and treated fairly when they fly. The CAA is listed as a prescribed consultee in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the course of the development of the Proposed Development.
- 1.2.3 The Applicant and the CAA 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);

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 and, therefore, 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.

- 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;
- 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 THE CIVIL AVIATION AUTHORITY

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 application for development consent, is set out in full in the **Consultation Report [AS-048]**. As a statutory consultee, the CAA was consulted on the proposals in accordance with section 42 of the Act, and submitted a formal response to the 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 an extensive 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 the CAA

Date	Form of correspondence	Details
28 June 2019	In-person meeting	Initial briefing on draft proposals and forthcoming Statutory Consultation.
23 August 2019	In-person meeting	Second briefing on draft proposals and forthcoming Statutory Consultation.
6 November 2019	In-person meeting	Briefing on 2019 Statutory Consultation.
16 December 2019	Email/letter	Response submitted to the 2019 Statutory Consultation.
14 February 2020	Meeting - Skype	Update on response to Statutory Consultation.
3 August 2020	Meeting – MS Teams	Update on scheme changes post-consultation.
7 September 2020	Meeting – MS Teams	Update and discussion on airfield design.
30 November 2020	Meeting – MS Teams	The purpose of this meeting was to discuss future airspace modifications, DCO progression, SoCGs and Statements of No Impediment, and the dates and arrangements for the next consultation.
19 April 2021	Meeting – MS Teams	The purpose of the meeting was to brief the CAA on the continuation of the DCO project following the internal review undertaken in Q1 2021.

Date	Form of correspondence	Details
7 June 2021	Meeting – MS Teams	The purpose of the meeting was to take stock of the progress in resolving issues following the CAA's response to the 2019 Statutory Consultation.
2 August 2021	Meeting – MS Teams	The purpose of the meeting was for the DCO project team to update the CAA on latest airfield layouts and receive any initial comments on areas to be addressed.
23 August 2021	Meeting – MS Teams	The main purpose of this meeting was to discuss the interface between the wider FASI-S Airspace Modernisation programme and the DCO, including how the interfaces would be communicated to the Planning Inspectorate.
22 October 2021	Meeting – MS Teams	Joint meeting with NATS Holdings Ltd. The purpose of this meeting was to coordinate the approach to the broader airspace change process in respect of the DCO, in particular how to explain to external parties the inter-relationship between the processes and the implications for the assessment of impacts.
4 April 2022	Email/letter	Response submitted to the 2022 Statutory Consultation.
25 August 2022	Meeting – MS Teams	Meeting to discuss the CAA's response to Statutory Consultation.
20 September 2022	Meeting – MS Teams	Meeting to discuss noise issues raised by the CAA in response to Statutory Consultation.
6 October 2022	Meeting – MS Teams	Meeting to discuss carbon issues raised by the CAA in response to Statutory Consultation.
11 November 2022	Meeting – MS Teams	Meeting to discuss airspace issues raised by the CAA in response to Statutory Consultation.
15 May 2023	Meeting – MS Teams	Initial briefing on the SoCG Process post-acceptance of the application.
22 June 2023	Meeting – MS Teams	Meeting to discuss SoCG process and progress.
28 July 2023	Meeting – MS Teams	Meeting to discuss SoCG process and progress.
14 September 2023	Meeting – MS Teams	Meeting to discuss SoCG process and progress.

3 MATTERS AGREED, CURRENTLY OUTSTANDING, OR NOT AGREED

Table 3-1: Summary of matters

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
3.1 Aerodrome Certification					
3.1.1	CAA's aerodrome safety role	The Applicant has designed the airfield layout to comply with the certification requirements for the Aerodrome in compliance with CAA licencing and certification requirements. This requirement to comply with these layout requirements is set out in the Design Principles [APP-225] .	The CAA is satisfied that the layout proposed meets the requirements at this stage of the design process and that there is no impediment apparent at this stage to the proposed development eventually being certificated for use.	Relevant Representation	Agreed
3.2 Airspace					
3.2.1	Airspace modernisation and flight path changes	In 2017, the Government set out its objectives for modernising airspace. Support for this programme was confirmed by the Government in its strategic framework for aviation, Flightpath to the Future, published in May 2022, which included confirmation that it remained policy for airports to seek to make best use of their	It is too early in the Airspace Modernisation programme to say what trade-offs will be required to resolve any conflict between the sponsors of separate airspace changes, or between different objectives. Therefore, it is also too early to say what benefits individual airports	Relevant Representation	Agreed

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>runways as set out in Section 3 of the Need Case [AS-125].</p> <p>The CAA is the co-sponsor, with the Government, of the Airspace Modernisation Strategy and updated the strategic objectives for the programme in January 2023³. This confirmed that the Airspace Modernisation Strategy is intended to improve safety, meet user needs, improve efficiency and deliver improved environmental sustainability by 2040. As part of this strategy, the aim is to ensure that airspace is not an impediment to realising the wider economic benefits that aviation brings.</p> <p>The Applicant recognises that modernisation of airspace under FASI⁴ and LAMP⁵ is necessary to support the planned growth in aircraft movements across the UK, including at the airports serving London. The Applicant’s demand</p>	<p>might achieve from airspace modernisation, whilst recognising that one of the goals for the <i>Airspace Modernisation Strategy</i> (AMS) is to provide greater airspace capacity overall.</p> <p>However, with that caveat, the CAA considers that there is no impediment to the Proposed Development on the grounds of airspace.</p>		

³ CAA, CAP1711, Airspace Modernisation Strategy 2023-2040, Part 1: Strategic objectives and enablers

⁴ FASI – Future Airspace Strategy Implementation

⁵ LAMP – London Airspace Management Programme

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>forecasts have been produced in line with the latest Government forecasts for aviation growth, published as part of the Jet Zero Strategy in July 2022 and so are reflective of the level of overall growth that has informed the Airspace Modernisation Strategy. The demand forecasts for the airport have been provided to NATS for the purpose of assessing future airspace requirements.</p> <p>There is no requirement for changes to flightpaths in the vicinity of the airport, e.g., track diversion, to ensure that the proposed runway movement rate can be achieved but the Applicant recognises that there may be interface constraints with other airports which currently limit the hourly flow rate and that wider changes to flightpaths are likely to be required. The Applicant has proceeded on the basis that these will be resolved by FASI-S.</p>			

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		Based on the last iteration of the Airspace Modernisation Masterplan, implementation of the changes required in the London TMA ⁶ are anticipated to be delivered over the period 2027-2029 and this is ahead of the the timescale whereby there would be a step change in aircraft movements at the airport in the mid to late 2030s. Hence, the Applicant is confident that the requirement for the airspace to be modernised over the South East of England will not be an impediment to realising the anticipated increase in aircraft movements from the Proposed Development.			
3.3 Noise Envelope and Green Controlled Growth (GCG)					
3.3.1	Noise Modelling	The Applicant has taken into account comments made by the CAA in response to Statutory Consultation in its approach to the modelling of noise effects set out in Chapter 16 of the	Under discussion.	Relevant Representation	Ongoing

⁶ Terminal Manoeuvring Area

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>Environmental Statement [APP-042], including:</p> <ul style="list-style-type: none"> • Normalising runway modal split to a 10 year average. • Updating radar track data to 2019. • Adopting the measured performance of the A321-NEO for the purpose of Assessment Phase 1, bearing in mind expectations of further fleet replacement by the time of the Phase 2 assessment phases. • Validation of noise and weather data as set out in Appendix 16.1 of the Environmental Statement [APP-110] (paragraph 6.8). • Inclusion of a qualitative assessment of vibration effects as set out in the Environmental Statement (Chapter 16 – Section 16.9) [APP-042]. 			

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
3.3.2	Noise limits for GCG	<p>The Applicant welcomes the CAA’s in principle support for GCG and the proposals for noise contour area limits for daytime and night-time and the concept of Thresholds and a Limit.</p> <p>The proposed limits are set by reference to the Faster Growth Case as assessed in Chapter 16 of the Environmental Statement [APP-042] (Table 16.74) and the Applicant considers that this is sufficient to address any areas of uncertainty and is consistent with the assessment of impacts.</p> <p>The movements that would be excluded from the Thresholds and Limits for noise are set out at paragraph C4.1.3 of the Green Controlled Growth Framework Appendix C [APP-221]. All other flights will be included within the day or night-time period as appropriate.</p>	<p>The CAA acknowledges the clarifications which the applicant has set out in its DCO submission documents.</p>	Relevant Representation	Agreed

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
3.3.3	Noise Envelope and CAP 1616	<p>The Applicant recognises the CAA's concerns regarding the possible implications of the Noise Envelope and ensuring that this will not be an impediment to the achievement of broader airspace change under the procedures set out in CAP1616⁷.</p> <p>The Applicant acknowledges that the airspace change process sits outside of the DCO process, and that there are processes that will need be followed, as a result of the Airspace Modernisation Strategy (AMS)⁸. The Applicant has assessed a reasonable worst case scenario for the purposes of its environmental assessment. The Applicant is, therefore, confident that the airspace modernisation can be achieved within the parameters and constraints proposed in the</p>	<p>As noted in the response to 3.2.1 above, it is too early to know the full effects that Airspace Modernisation will have on the airspace around Luton airport. However, the CAA acknowledges the new sensitivity test referred to here which provides more information on how a 'reasonable worst case' might affect the GCG noise limits</p>	Relevant Representation	Agreed

⁷ CAP1616 – Airspace Change: Guidance on the regulatory process for changing the notified airspace design and planned and permanent redistribution of air traffic, and on providing airspace information, 2021

⁸ CAP1711 – Airspace Modernisation Strategy 2023-2040, Civil Aviation Authority, 2023

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>DCO. Should future and unforeseeable changes be proposed (including over the longer term beyond the assessment phases), the Applicant would work with the CAA to ensure that the DCO could work with those proposals.</p> <p>To illustrate the potential implications, a sensitivity test has been carried out based on the airspace change options set out in LLAOL’s FASI-S ACP ACP-2018-70 Initial Options Appraisal</p> <p>CAP1616 Stage 2B Gateway Submission Document⁹, approved by the CAA at Gateway 2B of the airspace change process.</p> <p>The sensitivity test has considered the noise implications of the remaining route option considered likely to have the largest noise footprint. This sensitivity test showed that</p>			

⁹ FASI-S ACP ACP-2018-70, Initial Options Appraisal, CAP1616 Stage 2B Gateway Submission Document, London Luton Airport Operations Ltd, 2022

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>the effect of airspace change, based on the options under consideration, is likely to be accommodated with the proposed contour area limits and, as such, the proposed Noise Envelope is not considered likely to fetter the wider Airspace Change Process.</p> <p>The results of this sensitivity test have been shared with the CAA and are presented in Chapter 16 of the Environmental Statement [APP-042] (Table 16.74) and in Section 12 of Appendix 16.1 of this ES [APP-110].</p>			
3.3.4	Noise Insulation Scheme tiers and eligibility	<p>In response to the CAA’s query regarding how eligibility will work within the different tiers of the Noise Insulation Scheme and potential eligibility changes over time with changes in the noise footprint.</p> <p>Details of the Noise Insulation Scheme have been submitted as part of the application for</p>	The CAA acknowledges the response to its query in the application for development consent documentation .	Relevant Representation	Agreed

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		development consent in Draft Compensation Policies, Measures and Community First [APP-226] . Insulation will be rolled out as quickly as practicable based on forecast contours. This sets out a process by which eligibility will be reviewed as noise contours are updated at 5-yearly intervals.			
3.3.5	Involvement in the Noise Technical Panel	The Applicant has approached the CAA regarding involvement in the GCG ESG ¹⁰ Noise Technical Panel. The CAA is considering its position and, accordingly, the CAA is currently indicated as a potential member of this Technical Panel in Appendix B of the GCG Framework [APP-220] .	The CAA is still considering its position on membership of the GCG ESG Noise Technical Panel.	Relevant Representation	Ongoing
3.4 Climate Change/Carbon					
3.4.1	Scoping of cumulative	The Applicant considers its proposals consistent with the Government's Jet Zero Strategy	<u>The CAA considers that there is no impediment to the proposed development on the</u>	Relevant Representation	<u>Ongoing/Agreed</u>

¹⁰ ESG – Environmental Scrutiny Group

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
	greenhouse gas effects	<p>and has taken its targets into account in the assessment of effects.</p> <p>The Greenhouse Gas chapter (Chapter 12 – Table 12.5 and Section 12.11) of the Environmental Statement [APP-038] provides an explanation of the approach to the assessment of greenhouse gas effects arising from the Proposed Development, including how the Scoping Opinion has been complied with.</p>	<p><u>grounds of climate change in relation to the duties of the CAA.</u></p>		
<p>3.5 Accessibility</p>					
3.5.1	Consideration of, and consultation with, disabled persons and persons with reduced mobility	The Applicant recognises that it will need to comply with UK Reg (EC) 1107/2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air and the CAA’s guidance document, CAP1228 ¹¹ , which requires UK airports with more than 150,000	The CAA is satisfied that there is no impediment to the Proposed Development on the grounds of accessibility, and that compliance with the relevant requirements should form part of the detailed design stage.	Relevant Representation	Agreed

¹¹ CAP1228 - Guidance on quality standards under Regulation EC 1107/2006, Civil Aviation Authority, 2019

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>passengers a year to consult with disability organisations, through setting up an advisory forum. This could include consultation with disability organisations regarding accessibility of infrastructure, including in relation to the new terminal building.</p> <p>The Applicant also recognises that it needs to comply with the guidance set out in Section 5.10 (Airport Design) of ECAC Doc 30¹² Part 1 has been taken in account. The compliance with these requirements will be included in the next iteration of the Design Principles [APP-225], which will be a certified document.</p> <p>Consultation will be undertaken with disability groups at the detailed design stage. The requirements of ECAC Doc 30 Part 1, section 5.10 will be taken into account at the detailed</p>			

¹² ECAC Doc – European Civil Aviation Conference Document ECAC POLICY STATEMENT IN THE FIELD OF CIVIL AVIATION FACILITATION, ECAC/CEAC Document No.30 (PART I),

SOCG ID	Matter	The Applicant position	Civil Aviation Authority (CAA) position	Source of agreement	Agreed / Ongoing / Not agreed
		design stage. This level of detail is not required in respect of the plans developed for the application for development consent.			
<p>3.6 Security</p>					
3.6.1	Threats and risks and security outcomes	<p>The application for development consent includes General Arrangement drawings for the proposed development [AS-018-AS-020], including the terminal, rather than a detailed design. Security will be taken into account at a later detailed design stage. The commitment to do so is secured in the Design Principles [APP-225], including the Department for Transport publication ‘Aviation Security in Airport Development 2017’.</p>	<p>The CAA is satisfied that there is no impediment to the Proposed Development on the grounds of security compliance. During the construction phase and once expansion is achieved, operations will be expected to meet all the relevant security regulations set out by Government. These operations will be subject to a CAA audit and, if found not to be compliant, will be subject to enforcement action under Aviation Security Act 1982.</p>	Relevant Representation	Agreed