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London Luton Airport Expansion

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8.06 Statement of Common Ground between London Luton Airport Limited and Thames Water Utilities Limited

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.06

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.06 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
THAMES WATER UTILITIES 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) Thames Water.

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

Signature:

Name:

Position:

Date:

Signed on Behalf of THAMES WATER UTILITIES 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 14 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 Thames Water Utilities Limited (“Thames Water”) in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. **Appendix 20.4 Drainage Design Statement [REP4-031]**
 - b. **Design Principles [REP5-034]**
 - c. Review of Thames Water Foul Network capacity in relation to increase in sewage discharge as a result of 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 Thames Water is responsible for the abstraction, storage, treatment and distribution of water services, as well as the collection, treatment and disposal of

wastewater services across London and the Thames Valley. The airport currently has two wastewater discharge location points into the Thames Water public sewer. By virtue of being a relevant statutory undertaker, Thames Water is a prescribed consultee in accordance with Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and so has been consulted throughout the course of the evolution of the Proposed Development.

- 1.2.3 The Applicant and Thames Water 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 northeast of the runway. This will take the overall passenger capacity 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:

- (i) extension and remodelling of the existing passenger terminal (Terminal 1) to increase the capacity.
- (ii) new passenger terminal building and boarding piers (Terminal 2).
- (iii) earthworks to create an extension to the current airfield platform. The vast majority of materials for these earthworks would be generated on site.
- (iv) airside facilities including new taxiways and aprons, together with relocated engine run-up bay and fire training facility.
- (v) landside facilities, including buildings which support the operational, energy and servicing needs of the airport.

¹On 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. However, the application was then called-in and referred to the Secretary of State for determination instead of being dealt with by the local planning authority, and an inquiry to consider the called-in application took place between Tuesday 27 September 2022 and Friday 18 November 2022. At the time the application for development consent was submitted, the outcome of the inquiry was still unknown and, therefore, all of the core assessment undertaken for the application used a “baseline” of 18 mppa. The application by LLAOL has however since been approved, with a joint decision to grant planning permission issued by the Secretary of State for Transport and Secretary of State for Levelling Up, Housing and Communities on 13 October 2023. In anticipation of this, the Applicant’s environmental assessments included sensitivity analysis of the implications of the permitted cap increasing to 19mppa. 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, including the sensitivity analysis, are presented in the Environmental Statement submitted with the application for development consent.

- (vi) 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.
- (vii) extension of the Luton Direct Air to Rail Transit (Luton DART) with a station serving the new passenger terminal.
- (viii) landscape and ecological improvements, including the replacement of existing open space; and
- (ix) further infrastructure enhancements and initiatives to support the Applicant's target of net zero 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 THAMES WATER

2.1 Summary of engagement

- 2.1.1 The pre-application statutory consultation carried out by the Applicant, and the way in which it informed the application for development consent, is set out in full in the **Consultation Report [AS-048]**. As a statutory undertaker, Thames Water 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 Thames Water

Date	Form of correspondence	Details
18 October 2018	Meeting	Introduce and discuss the drainage strategy for the Proposed Development.
25 April 2019	Meeting – Luton Town Hall	Discussion held on the drainage Strategy.
16 December 2019	Email/letter	Response submitted to the 2019 Statutory Consultation.
11 February 2020	Meeting – MS Teams	2019 Statutory Consultation meeting 1 – scheme presentation.
10 September 2020	Meeting – MS Teams	2019 Statutory Consultation meeting 2 – scheme presentation.
21 October 2021	Meeting – MS Teams	Water supply and discharge forecast.
15 December 2021	Meeting – MS Teams	Review forecast provided by Thames Water on East Hyde Treatment Works capacity. Discussions were also held on the requirements for the Thames Water network throughout the assessment phases of the Proposed Development.
04 April 2022	Email/letter	Response submitted to the 2022 Statutory Consultation.
21 June 2022	Meeting – MS Teams	Recap and update on design.
13 September 2022	Meeting – MS Teams	Post-statutory consultation engagement with Thames Water to close out outstanding actions.

Date	Form of correspondence	Details
27 September 2022	Email/letter	Thames Water responded to overflow pipe query by providing GIS information.
7 November 2022	Meeting – MS Teams	Discussion regarding documents which the Applicant sent to Thames Water on 29 September 2022.
7 March 2023	Meeting – MS Teams	Introduction to new point of contact from Thames Water; update on the SoCG process; discussion about the potential for foul drainage to discharge directly into the Thames Water network.
21 March 2023	Meeting – MS Teams	Further discussion about the potential for foul drainage to discharge directly into the Thames Water network including discussion regarding modelling.
18 April 2023	Meeting – MS Teams	Further discussion regarding modelling.
2 May 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
6 June 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
20 June 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
4 July 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
11 July 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
18 July 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
01 Aug 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
15 Aug 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
22 Aug 2023	Meeting – MS Teams	Technical meeting to discuss modelling requirements and letter from TW

Date	Form of correspondence	Details
29 Aug 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
12 Sep 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
26 Sept 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
10 Oct 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
20 Oct 2023	Meeting – MS Teams	Meeting to discuss preliminary results from detriment assessment by TW consultant.
24 Oct 2023	Meeting – MS Teams	Regular meeting to progress discussions about the draft SoCG and proposed modelling work.
7 November 2023	Meeting – MS Teams	Meeting to discuss outputs of detriment analysis by TW consultants
9 November 2023	Meeting – MS Teams	Meeting to discuss the SoCG and agree items where possible
21 November 2023	Meeting – MS Teams	Meeting to discuss Technical Note on Assessment Phase 1 Carpark P7 and the SoCG items.
4 December 2023	Email	Updated SoCG received from Thames Water.
June 2023 – ongoing	Email correspondence	The Applicant's legal team and Thames Water Utilities Limited (TWUL) have corresponded by email on TWUL's representations and have exchanged drafts of a side agreement and Protective Provisions.

3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
3.1 Clean Water					
3.1.1	Clean water assets	London Luton Airport falls outside Thames Water's clean water supply area. Thames Water do not have any assets in or near the proposed Order Limits.	The Applicant acknowledges this.	Response to Statutory Consultation – 1 April 2022	Agreed
3.2 Existing Thames Water Foul and Surface Water Assets					
3.2.1	Surface water sewer location	Thames Water to review records. Survey of the asset is required for further investigation by Thames Water.	It is confirmed that there is a 750mm dia Thames Water surface water asset running through the new Green Horizons Park development adjacent to the proposed airport expansion. Thames Water and the Applicant agree that Protective Provisions for TWUL's benefit, secured by	This has been illustrated and shared with Thames Water on the drawing 60709758-ACM-C-xxxx-SK-002 for further investigation by the Applicant. Meeting on 9 November 2023	Agreed

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
			agreement, would adequately address the issue.		
3.2.2	Balancing pond overflow	Thames Water advise that the scheme may clash with the overflow from the north balancing pond.	Thames Water and the Applicant agree this issue can be addressed by means of appropriate Protective Provisions, secured by agreement.	Updated SoCG received from TW on 6 November 2023	Agreed
3.2.3	Foul water and surface water sewers affected by highway works	There are a number of foul water and surface water sewers that may be affected by highway adjustments within the Order Limits (including within six satellite boundaries for highway junctions).	This is currently under consideration by the Applicant. It is unlikely that there will be impacts on any of Thames Water's assets. If there are any impacts, these will be covered by the Protective Provisions, secured by side agreement.	Updated SoCG received from TW on 6 November 2023	Agreed
3.2.4	Surface Water Pumping Station	A surface water pumping station to the River Lee sits within the Order Limits (a satellite boundary for a highway junction, St Mary's Roundabout).	The current Proposed Development will have no impact on the existing pumping station.	Updated SoCG received from TW on 19 September 2023	Agreed

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
3.2.5	Water Industry Act 1991 s105A	There may be a Water Industry Act 1991 section 105A (2011 private sewer transfer) affected by the Luton DART extension.	The Proposed Development is still in outline design. This element of the project design will be carried out during the detailed design stages, following approval of the DCO. The Protective Provisions, to be secured by agreement, would provide for the protection of Thames Water's assets from impacts associated with the Proposed Development.	Updated SoCG received from TW on 6 November 2023	Agreed
3.3 Assessment Phase 1 Drainage strategy					
3.3.1	Surface water dispersion	The land at the outfall location from Eaton Green Road balancing pond may be essential for the dispersion of surface water. However, Thames Water is unable to determine what impact the proposal will have on groundwater at this site. Linked to item 3.2.1 regarding requirement for survey.	Surface water drainage from car park P7 (for assessment Phase 1) will discharge to the Thames Water network at a maximum rate of 5l/s based on the sustainable discharge rule (SUDs hierarchy). An attenuation tank is included in the scheme design of the Proposed Development. This would only be required to attenuated until the new Terminal 2 is developed.	The Applicant accepts the need for a survey and subject to the outcome of the survey, appropriate measures will be undertaken at detailed design.	Ongoing

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
			The Applicant is awaiting written confirmation by Thames Water for the discharge of 5l/s into the Thames Water network.		
3.3.2	Domestic Foul Discharge flows	Thames Water has a duty to accommodate waste discharge (domestic foul drainage) from assessment Phase 1 of the Proposed Development (the Terminal 1 campus) with an increase to 21.5mppa.	Comment noted.	Meeting on 9 November 2023	Agreed
3.3.3	Trade Effluent Discharge flows	Thames Water require further information on whether the Applicant intends to discharge flows via Thames Water assets. Subject to hydraulic modelling and validation of updated trade effluent consent.	The Applicant seeks to discharge trade effluent (de-icant contaminated surface water runoff in winter months) to Thames Water assets. The Proposed Development includes new attenuation within the existing contaminated surface water system at Phase 1 and intends to limit the discharge to TW assets at a maximum rate of 2l/s. Any constraints to		Ongoing

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>the time of discharge, would be agreed with TWUL during detailed design.</p> <p>This discharge would discontinue once the assessment Phase 2a works are implemented.</p>		
3.4 Assessment Phase 2 Drainage strategy					
3.4.1	Domestic Foul Discharge to Thames Water sewer	Thames Water have a duty to accommodate waste discharge (domestic foul drainage) from assessment Phase 2a and Phase 2b of the Proposed Development (the Terminal 2 development).	Comment noted.	Meeting on 9 November 2023	Agreed
3.4.2	Thames Water Foul Network	<p>To accommodate the waste discharge (domestic and trade effluent) the existing Thames Water foul network between Eaton Green Road and East Hyde treatment works may require upgrade works.</p> <p>Any upgrades can be delivered using TWULs</p>	Comment noted.	Meeting on 9 November 2023	Agreed

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
		Permitted Development rights. Hydraulic modelling to assess the impact on the existing network has been commissioned by the Applicant and is currently underway.			
3.4.3	East Hyde Treatment Works	To accommodate the domestic foul discharge the East Hyde Treatment Works, may be subject to potential future upgrades. Any upgrades can be delivered using TWULs Permitted Development rights under Section 94 of the Water Industry Act 1991.	Comment noted.	Meeting on 21 November 2023	Agreed
3.4.4	Contaminated Surface Water (Trade Effluent) Discharge to Network	Thames Water confirm that contaminated surface water can be discharged to the TWUL network with appropriate trade effluent consent and potentially subject to local upgrades that can be completed under	The Applicant seeks confirmation regarding whether contaminated surface water can be discharged to the Thames Water network at Connection Point 1 (President Way MH7802) and at a maximum	The Applicant and Thames Water accept there may be a requirement for Thames Water to undertake localised upgrades to the existing network to provide capacity, the detailed requirements	Ongoing

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>TWUL Permitted Development rights.</p> <p>Thames Water continue to work with the applicant to understand their development needs.</p>	<p>rate to be agreed via modelling.</p> <p>The Applicant has included within the Design Principles [REP5-034] the following in relation to the network, <i>“DDS.29 - Active monitoring and discharge control will be implemented to ensure no discharge to the Thames Water foul network of attenuated contaminated surface water from Tank 1 during high flow conditions, i.e. when identified existing Combined Sewer Overflow's (CSO) on the drainage route are in operation.”</i></p>	<p>of which are subject to the outcome of ongoing modelling.</p> <p>Appropriate measures will be more clearly understood after DCO consent.</p>	
3.4.5	Contaminated Surface Water (Trade Effluent) Discharge to East Hyde	<p>Thames Water confirm that there is a constraint to the surface water treatment capacity at the East Hyde Treatment Works.</p> <p>More detailed hydraulic and process modelling of the sewage treatment works will be required and understanding of existing</p>	<p>The Applicant seeks confirmation of the flow and load capacity that Thames Water can accept (from Phase 2a and 2b of the Proposed Development) to East Hyde treatment works.</p>		Ongoing

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
		flow/loads from the airport before confirmation from Thames Water.			
3.4.6	Domestic Blue Water (foul sewage which originated from aircraft holding tanks) discharge to TWUL sewer	Thames Water advise there is sufficient capacity for Blue Water subject to adequate attenuation.	The Applicant confirms that Blue Water would be discharged to the Thames Water network at Connection Point 1 (President Way MH7802). The Applicant intends to incorporate a holding tank at the bluewater discharge point adjacent to Terminal 2 (to service all aircraft which use T2). This would have at least 24 hours capacity. The flow rate from the tank, and any constraints to the time of discharge, would be agreed with TWUL during detailed design.	Meeting on 9 November 2023	Agreed
3.5 Protective Provisions					
3.5.1	Protective Provision	Thames Water do not believe that the provisions of the draft Development Consent Order ("the Order") satisfactorily protect Thames Water's	Protective Provisions and a side agreement are being discussed and developed with Thames Water to address its concerns,		Ongoing

SoCG ID	Matter	Thames Water position	The Applicant's position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>existing and future apparatus and ability to comply with its statutory duties or exercise its statutory powers</p>	<p>including those items more particularly described above. Significant progress has been made on all issues to TWUL's satisfaction and the Applicant considers that an agreement will be concluded, securing the Protective Provisions for TWUL's benefit, prior to the conclusion of the examination.</p>		