

December 2023

# London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)

## **8.05 Statement of Common Ground between London Luton Airport Limited and Historic England**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.05

**The Planning Act 2008**

**The Infrastructure Planning (Examination Procedure) Rules 2010**

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

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**8.05 STATEMENT OF COMMON GROUND BETWEEN LONDON  
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND  
HISTORIC ENGLAND**

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<b>Deadline:</b>	Deadline 6
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<b>Author:</b>	Luton Rising

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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) Historic England.**

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

Signature:

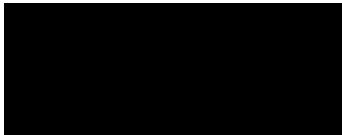
Name:

Position:

Date:

Signed on behalf of HISTORIC ENGLAND

Signature:



Name: Neville Doe

Position: Assistant Inspector of Historic Buildings and Areas

Date: December 1<sup>st</sup>, 2023

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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 Historic England in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. The Cultural Heritage Management Plan.
  - b. The Environmental Statement’s Cultural Heritage assessment methodology, baseline conditions, construction and operation assessment results, and residual effects.
- 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 Historic England is the Government's lead advisor on the historic environment and protects England's historic environment through championing historic places; identifying and protecting England's heritage; managing change; understanding historic places; and providing expertise at a local level. It 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 Historic England 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 to 32 mppa<sup>1</sup>. 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;

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<sup>1</sup> 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. 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 target of achieving zero emission ground operations by 2040<sup>2</sup>, 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.

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<sup>2</sup> 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 HISTORIC ENGLAND

### 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]**. As a statutory consultee, Historic England 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 a programme of consultation and ongoing engagement which is summarised in Table 2-1. This sets out the meetings and substantive correspondence that have taken place to date and the topics discussed. Further detail on the engagement with Historic England is provided in **Table 10.6 of the Environmental Statement Chapter 10 [AS-077]**. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and Historic England

Date	Form of correspondence	Details
27 February 2018	Meeting – MS Teams	Introduction to the Proposed Development proposals and programme.
28 March 2018	Meeting – in person at Historic England offices, 24 Brooklands Avenue, Cambridge, CB2 8BU	Overview of the Heritage EIA scoping.
23 April 2020	Letter	Pre-application advice relating to scope of desk-based assessment.
14 December 2021	Meeting – MS Teams	Meeting to discuss the preliminary impact assessment results set out in the PEIR.
2 April 2022	Email/letter	Response submitted to the 2022 statutory consultation.
18 July 2022	Email	General email correspondence to close out comments received as part of the 2022 statutory consultation.
26 July 2022	Email	Historic England response to general email sent on 18 July 2022.
12 October 2022	Email	General email correspondence to close out queries regarding impact assessment guidance documents.



6 December 2022	Email	Cultural Heritage Management Plan and SoCG shared with Historic England for review and comment.
30 March 2023	Email	Email to Historic England to inform them the application for development consent had been accepted and to provide a link to the submitted documents for their review.
27 April 2023	Meeting – MS Teams	Meeting with Historic England to discuss the matters within the SoCG and the Cultural Heritage chapter of the Environmental Statement.
2 May 2023	Email	Email to Historic England to share the SoCG and provide links to the Examination Library.
8 June 2023	Meeting – MS Teams	Meeting with Historic England to discuss and agree matters within the SoCG.
26 June 2023	Email	Update email to Historic England to inform that the CHMP was to be updated, as requested by CBC, to include a condition survey of Someries Castle in advance of Air Quality monitoring. Email sent for information only. No response required or received.
3 August 2023	Email	Email to Historic England to inform of Applicant plans to submit SoCG to PINS on 22 August (Deadline 1). Also to inform Historic England that updated labelled visualisations from Luton Hoo, requested by CBC, had been uploaded to Examination Library. Email sent for information only. No response required or received.
27 November 2023	Email	Updated SoCG, including matter related to S106 agreements raised by Historic England during Examination, sent to Historic England for review.
1 December 2023	Email	Comments on SoCG received from Historic England.
1 December 2023	Email	Updated SoCG sent to Historic England for signing.

4 December 2023	Email	Historic England sent back signed SoCG.
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### 3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SoCG ID	Matter	Historic England position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
<b>3.1 Heritage</b>					
3.1.1	Approach to assessment methodology	Historic England confirms that its interests extend to Grade I and II* listed buildings and Scheduled Monuments and Registered Park and Gardens (RPG) only. Designated sites of lower status and undesignated heritage assets would be left to the relevant Local Planning Authorities to advise on.	The Applicant agrees with this position, and has consulted with the Local Planning Authorities regarding the designated sites of lower status and undesignated heritage assets.	2 April 2022. Response to 2022 Statutory Consultation.	Agreed
3.1.2	Approach to assessment methodology	Historic England agrees with an initial 2 km study area for designated heritage assets, including a 250m study area around highways interventions. Historic England also advises that a wider study area informed by ZTV and noise contour data should be used to inform the assessment of impacts.	A wider study area, defined by noise contour data and the ZTV, has informed the baseline assessment and the Environmental Statement.	2 April 2022. Response to 2022 Statutory Consultation.	Agreed

SoCG ID	Matter	Historic England position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
3.1.3	Approach to assessment methodology	Historic England requests that Luton Hoo Grade II* RPG should be assessed in its entirety and a holistic approach adopted for the impact assessment, rather than broken down into its individual designated components.	<b>Chapter 10, Cultural Heritage [AS-077]</b> , of the <b>Environmental Statement</b> adopts a holistic approach to the assessment of Luton Hoo Grade II* RPG.	23 April 2020. Pre-application advice letter.	Agreed
3.1.4	Approach to assessment methodology	Historic England agrees that the scope of viewpoints and photomontages adequately cover the principal views required for the assessment. Request that photomontages relating to heritage assets show the Proposed Development as solid block colour.	Photomontages relating to heritage assets will use block colour.	8 June 2023. Teams meeting.	Agreed
3.1.5	Approach to assessment methodology	Historic England confirm that it is not essential for the heritage impact assessment to use the guidance, 'Aviation Noise Metric – Research on the Potential Noise Impacts on the Historic Environment by Proposals for Airport Expansion in England', but that the assessment should include and cross-reference noise	A summary methodology for assessing impacts arising from aviation noise, and cross reference to the methodology used in <b>Chapter 16 Noise and Vibration [REP1-003]</b> , has been included in <b>Chapter 10, Cultural Heritage [AS-077]</b> ,	12 October 2022. Email from Historic England.	Agreed

<b>SoCG ID</b>	<b>Matter</b>	<b>Historic England position</b>	<b>The Applicant position</b>	<b>Source of agreement</b>	<b>Agreed / Ongoing / Not agreed</b>
		data that has been used to inform the impact assessment.	of the <b>Environmental Statement</b> .		
3.1.6	Baseline conditions	Historic England agrees that the baseline assessment contains an appropriate level of information to inform the impact assessment.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.7	Proposed mitigation	Historic England agrees with the proposed mitigation set out in the Cultural Heritage Management Plan (CHMP) <b>[REP4-020]</b> .	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.8	Assessment results (construction)	Historic England agrees with the assessment of impacts arising from construction.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.9	Assessment results (operation)	Historic England agrees with the assessment of impacts arising from operation.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.10	Residual effects	Historic England agrees with the assessment of residual effects.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.11	Scope and nature of the archaeological evaluations	Historic England agrees with the scope of additional evaluation set out in the CHMP <b>[REP4-020]</b> and also recognises that this has been	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed

SoCG ID	Matter	Historic England position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		agreed between the Applicant and the Archaeology Officers for the host authorities.			
3.1.12	Archaeological mitigation works	Historic England agrees with the proposals to carry out the majority of archaeological mitigation works in advance of construction activities and in accordance with the CHMP.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.13	Methods for securing mitigation	Historic England agrees with the mitigation measures in the CHMP, which will be secured via the DCO.	The Applicant agrees with this position.	8 June 2023. Teams meeting.	Agreed
3.1.14	S106 agreement	Historic England accepts that it is not possible to mitigate the negative impact of increased noise levels on the way parts of the Luton Hoo grade II*PAG would be experienced, and therefore suggests that the harm, which both Historic England and the applicant have identified, might instead be off-set in the form of financial contributions towards the conservation management of the affected	The impact of noise from the Proposed Development has been assessed and all reasonably practicable measures have been explored to reduce noise impacts. Further details can be found in Chapter 16 Noise and Vibration of the ES <b>[REP1-003]</b> .  No mitigation specific to the Luton Hoo Estate has been identified as it is not		Not Agreed

SoCG ID	Matter	Historic England position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		<p>heritage asset (Luton Hoo PAG), by way of a Section 106 Agreement.</p>	<p>considered that it would be effective in reducing the effect.</p> <p>The Applicant has considered the request for a form of financial contributions towards the conservation management of Luton Hoo Estate to be secured through a Section 106 agreement but does not consider there to be sufficient justification to do so.</p>		