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London Luton Airport Expansion

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8.21 Statement of Common Ground between London Luton Airport Limited and NATS (En Route) PLC

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.21

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.21 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
NATS (EN ROUTE) PLC**

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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) NATS (En Route) PLC

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

Signature:

Name:

Position:

Date:

Signed on Behalf of NATS (En Route) PLC

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 NATS (En Route) PLC (“NERL”) in respect of the Proposed Development. In particular, this SoCG focuses on:
- a. Future airspace.
 - b. Technical safeguarding (en-route infrastructure).
- 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.
- 1.1.6 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.7 Subsequent drafts will be agreed and issued, with the version numbers clearly recorded on the cover sheet at the beginning of this document.

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 Limited through a Concession Agreement with the Applicant and LBC.
- 1.2.2 NERL is the provider of en-route air navigation services for United Kingdom airspace (including London TMA¹), regulated by the Civil Aviation Authority under licence to provide safe and efficient air traffic control services. As a 'relevant statutory undertaker', NERL is 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 NERL 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.
- 1.2.4 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 mppa². 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.
- 1.2.5 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;

¹ London Terminal Manoeuvring Area.

² 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 ran until 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.

- 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 2040³, 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.

³ 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 NERL

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 [TR020001/APP/6.01]. As a statutory undertaker, NERL 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 took place and the topics discussed. Matters under discussion are set out in section 3.

Table 2-1: Engagement between the Applicant and NERL

Date	Form of correspondence	Details
6 June 2019	Initial in-person briefing on DCO proposals	Initial briefing on draft proposals and forthcoming statutory consultation.
16 December 2019	Email/letter	Response submitted to the 2019 statutory consultation.
4 February 2020	In person meeting	Meeting to discuss the interface between the DCO and separate airspace change process.
16 October 2020	Meeting – MS Teams	Briefing on DCO progress in the light of the pandemic.
10 September 2021	Meeting – MS Teams	Engagement to provide an update on the Proposed Development. Airfield phasing and key airfield features were presented. An update on the planning forecast and phasing was provided, in addition to an update on the 2022 statutory consultation and DCO submission timeline.
22 October 2021	Meeting – MS Teams	Joint engagement with CAA to coordinate the approach to the broader airspace change process in respect of the Proposed Development, in particular how to explain to external parties the interrelationship between the processes and the implications for the assessment of impacts.

Date	Form of correspondence	Details
8 March 2022	Meeting – MS Teams	Briefing on the 2022 statutory consultation.
31 March 2022	Email/letters	Responses submitted to the 2022 statutory consultation.
5 October 2022	Meeting – MS Teams	Initial follow-up meeting to discuss matters raised by NATS in the 2022 statutory consultation response.
13 April 2023	Meeting – MS Teams	Initial meeting to discuss matters for inclusion in the SoCG
15 June 2023	Meeting – MS Teams	Follow up meeting to obtain feedback on contents of draft SoCG
25 July 2023	Meeting – MS Teams	Follow up meeting to obtain feedback on updated draft SoCG

3 MATTERS AGREED, ONGOING, OR NOT AGREED

Table 3-1: Summary of matters

SOCG ID	The Applicant Position	NERL position	Source of agreement	Agreed / Ongoing / Not agreed
3.1.1	The Proposed Development is consistent with Government policy that airports should make best use of their existing runways as set out in Flightpath to the Future.	NERL is in principle supportive of the Proposed Development.	e-mail 4 August 2023	Agreed
3.1.2	<p>In 2017, the Government set out its objectives for modernising airspace. Support for this programme was confirmed by the Government in the 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 runways as set out in Section 3 of the Need Case [AS-125].</p> <p>The Civil Aviation Authority (CAA) is the co-sponsor, with the Government, of the Airspace Modernisation Strategy and updated the strategic objectives for the programme in January 2023⁴. 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</p>	<p>NERL recognises that the anticipated increase in aircraft movements would not be possible without the Proposed Development, but the Proposed Development alone would not deliver the anticipated increase in aircraft movements.</p> <p>NERL recognises that airspace changes under FASI and LAMP will have an impact on traffic over London TMA. NERL is committed to the Government's airspace modernisation initiatives. To echo the CAA's representation, "<i>On Airspace</i>,</p>	e-mail 8 August 2023	Agreed

⁴ CAA, CAP1711, Airspace Modernisation Strategy 2023-2040, Part 1: Strategic objectives and enablers

SOCG ID	The Applicant Position	NERL position	Source of agreement	Agreed / Ongoing / Not agreed
	<p>not an impediment to realising the wider economic benefits that aviation brings.</p> <p>The Applicant recognises that modernisation of airspace under FASI⁵ and LAMP⁶ is necessary to support the planned growth in aircraft movements across the UK, including at the airports serving London. The Applicant’s demand 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 NERL for the purpose of assessing future airspace requirements.</p> <p>Based on the last iteration of the Airspace Modernisation Masterplan, implementation of the changes required in the London TMA 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.</p> <p>Whereas the Applicant is of the belief that the requirement for the airspace to be modernised over the South East of England will not be an</p>	<p><i>it is still the case that 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 might achieve from airspace modernisation, whilst recognising that one of the goals for the AMS⁷ is to provide greater capacity overall.”</i></p> <p>Whilst NERL has no principal areas of disagreement with the Proposed Development at this time, NERL cannot warrant or guarantee the output and timing of future and required airspace modernisation activities. Many factors and stakeholders interplay to deliver airspace change. As</p>		

⁵ FASI – Future Airspace Strategy Implementation
⁶ LAMP – London Airspace Management Programme
⁷ Airspace Modernisation Strategy.

SOCG ID	The Applicant Position	NERL position	Source of agreement	Agreed / Ongoing / Not agreed
	<p>impediment to realising the anticipated increase in aircraft movements from the Proposed Development, the Applicant recognises that the precise outcome of airspace modernisation cannot be guaranteed at this point in time.</p>	<p>such, given the number of unknowns involved and their related dependencies, NERL cannot assess nor verify the feasibility of the anticipated increase in aircraft movements from the Proposed Development in respect of future airspace changes at the present time.</p>		
3.1.3	<p>The Applicant acknowledges that the Proposed Development has the potential to affect NERL’s infrastructure located at the airport and its provision of en-route air traffic services in the London area. The new development will require technical safeguarding to ensure continued and sufficient performance of ATC Navigation and Communication systems. The requirement for technical safeguarding is acknowledged and this will be undertaken as the detailed design progresses following grant of the DCO.</p> <p>The Applicant recognises the need to ensure that there is no adverse impact on NERL’s infrastructure located at the airport. The Applicant will work with NERL to ensure that any such impacts are mitigated as the detailed design progresses. The requirement for such</p>	<p>NERL will be happy to collaborate with the relevant stakeholders in order to review further information as it becomes available. NERL will also be willing to work with all Interested Parties in order to understand the impact and identify any solutions that may be required in order to help deliver the proposal.</p>	<p>email 4 August 2023</p>	<p>Agreed</p>

SOCG ID	The Applicant Position	NERL position	Source of agreement	Agreed / Ongoing / Not agreed
	safeguarding has been included within the Design Principles [REP5-034] document.			