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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

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**8.09 Statement of Common Ground between London
Luton Airport Limited and NATS (Services) Limited**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.09

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.09 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING) AND
NATS (SERVICES) LIMITED**

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Issue 1	September 2023	Additional Submission – Deadline 2
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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 (Services) Limited

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

Signature: 

Name: Antony Aldridge

Position: Head of DCO Programme

Date: 23 January 2024

Signed on Behalf of NATS (Services) Limited

Signature: 

Name: Gill Clark

Position: Group Customer Account Manager NATS

Date: 08.01.24

Contents

	Page
1 Introduction and purpose	1
1.1 Purpose of Statement of Common Ground	1
1.2 Parties to this SoCG	1
2 Engagement with NSL	4
2.1 Summary of engagement	4
3 Matters agreed, ongoing, or not agreed	6

Tables

Table 2-1: Engagement between the Applicant and NSL

Table 3-1: Summary of matters

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 (Services) Limited (“NSL”) in respect of the Proposed Development. In particular, this SoCG focuses on matters related to on air traffic control operations at the airport.
- 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 NSL is the provider of air traffic control services to Luton Airport under commercial contract with London Luton Airport Operations Limited.
- 1.2.3 The Applicant and NSL 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 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.
- 1.2.5 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;
 - 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. 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.

- 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 NSL

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]**. At statutory undertaker, NSL was consulted alongside NATS En-route plc (NERL), which 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 NSL

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	NSL 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.	NSL is in principle supportive of the Proposed Development	e-mail 4 August 2023	Agreed
3.1.2	<p>The Applicant acknowledges that there are line of sight issues from the VCR³ in respect of the stands to the east of MSCP2⁴ and that additional Advanced Surface Movement Guidance and Control equipment (A-SMGCS) is required to enable ATC⁵ to maintain operations in this area in low visibility conditions.</p> <p>It was originally proposed to provide the additional surface movement radar as part of Assessment Phase 2a of the Proposed Development to ensure visibility of the Terminal 2 aprons but the provision has now been brought forward to form part of assessment Phase 1 so as to ensure that NSL's requirements for additional surveillance to be in place to support growth above the baseline can be met.</p>	NSL accepts that the Applicant will manage this with London Luton Airport Operations Limited (or its successor).	e-mail 4 August 2023	Agreed

³ VCR – visual control room

⁴ Multi-storey Car Park 2

⁵ ATC – Air Traffic Control

SOCG ID	The Applicant Position	NSL position	Source of agreement	Agreed / Ongoing / Not agreed
3.1.3	The Applicant acknowledges that additional electronic surveillance, such as cameras, may be required to provide full coverage of all manoeuvring areas and aprons in future. The positioning of any additional masts and equipment will be determined at the detailed design stage within the parameters set out in the draft DCO [AS-005] and Work Plans [AS-012-AS-017]	NSL accepts that the Applicant will manage this with London Luton Airport Operations Limited (or its successor).	e-mail 4 August 2023	Agreed
3.1.4	The layout of the Proposed Development has been developed to ensure sufficient taxiway infrastructure is available to enable ATC to re-order the departure sequence once aircraft have left stand to ensure that peak capacity can be attained. The capacity of the infrastructure, taking into account the projected future number of hourly aircraft movements, was modelled using fast-time simulation and it has been demonstrated in Appendix D to the Need Case [AS-125] , that the layout is sufficient to allow the flow of aircraft to be handled within acceptable levels of delay based on the airfield layout proposed.	NSL accepts that the Applicant will manage this with London Luton Airport Operations Limited (or its successor).	e-mail 4 August 2023	Agreed
3.1.5	The Applicant recognises that there may be a need for additional ATC controllers to support the increase in aircraft movements over time and that this could require a refit of the current VCR to	NSL accepts that the Applicant will manage this with London Luton Airport Operations Limited (or its successor).	e-mail 4 August 2023	Agreed

SOCG ID	The Applicant Position	NSL position	Source of agreement	Agreed / Ongoing / Not agreed
	<p>enable visibility of the new aircraft manoeuvring areas</p> <p>There may also be a requirement for new procedures and additional RTFF⁶ frequencies. Advanced ATC management tools may also be required including Arrival and Departure Management and ACDM⁷.</p> <p>These will be a matter for contract negotiation between the ANSP⁸ and the airport operator as the Proposed Development is delivered and capacity increased.</p>			

⁶ RTFF – radiotelephony

⁷ ACDM – Airport Collaborative Decision Making

⁸ Air Navigation Service Provider – NATS Services Ltd has a contract to provide local air traffic control services at London Luton Airport and this is distinct from the role of NATS En Route plc that provides air traffic control services to aircraft flying in UK airspace.