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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 8 Additional Submissions (Examination)
**8.04 Statement of Common Ground between London
Luton Airport Limited and Cadent**

Infrastructure Planning (Examination Procedure) Rules 2010

Application Document Ref: TR020001/APP/8.04

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

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

**8.04 STATEMENT OF COMMON GROUND BETWEEN LONDON
LUTON AIRPORT LIMITED (TRADING AS LUTON RISING)
AND CADENT**

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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) Cadent.

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

Signature: 

Name: Antony Aldridge

Position: Head of DCO Programme

Date: 02 February 2024

Signed on Behalf of CADENT

Signature: 

Name: Lewis Hancock

Position: Senior Pipeline Engineer

Date: 01/02/24

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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 Cadent Gas in respect of the Proposed Development. In particular, this SoCG focuses on:

- a. Requirements regarding Cadent infrastructure in close proximity to the Proposed Development.
- b. Protective provisions and associated agreements.

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 Cadent maintain, repair and replace gas pipes to ensure the safe and reliable flow of gas now and into the future. 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 Cadent 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 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);
- 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

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.

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 CADENT

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 undertaker, Cadent 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 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 Cadent

Date	Form of correspondence	Details
16 December 2019	Email/letter	Response submitted to the 2019 statutory consultation.
4 April 2022	Email/letter	Response submitted to the 2022 statutory consultation.
20 April 2022	Meeting – MS Teams	Engagement with Cadent to discuss the proposals and statutory consultation response including an overview of the Proposed Development and Scheme, and the proposed works in proximity of Cadent apparatus.
19 May 2022	Meeting – MS Teams	Engagement with Cadent to discuss the Medium and Low Pressure Cadent apparatus.
30 September 2022	Email	DCO Draft Application details shared with Cadent.
15 November 2022	Email	DCO Draft Application details shared, alongside draft SoCG for Cadent's review and comment.
31 January 2023	Telephone call	Discussion regarding Cadent's review of the SoCG draft.
01 February 2023	Email	Cadent provided comments on the draft SoCG.
29 March 2023	Email	Link sent to Cadent with PINS link to full suite of application documents and updated draft SoCG.

20 April 2023	Email	Confirmation from Cadent that they agree with the contents of the SoCG.
3 July 2023	Email	Contact between the Applicant's and Cadent's legal team to begin discussions on Protective Provisions.
4 July 2023	Email	Contact between the Applicant's and Cadent's legal team to begin discussions on Protective Provisions and funding.
July 2023 – ongoing	Email	The Applicant and Cadent's legal team have corresponded by email 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	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
3.1 Infrastructure in close proximity to the development					
3.1.1	Protection	Cadent will require appropriate protection for retained apparatus, including compliance with relevant standards for works proposed within close proximity of its apparatus.	The Applicant and Cadent have agreed protective provisions for Cadent's benefit in Schedule 8, Part 4 of the Order and concluded a side agreement (confidential).	Schedule 8, Part 4 of the Order and side agreement (confidential).	Agreed
3.1.2	High Pressure Gas Pipelines in close proximity	High Pressure (above 7 bar) Gas Pipelines and associated equipment are located within the Order Limits or within the vicinity of the proposed works. Cadent has existing easements for these pipelines which prevents the erection of permanent/temporary buildings/structures, change to existing ground level or storage of materials etc. within the easement strip.	This will be taken into account if any High Pressure apparatus are identified as needing a diversion. At the time of writing this document, the design team has acknowledged the presence of a High Pressure pipeline on Gypsy Lane which may be affected by Surface Access Works proposed as part of the DCO. These works can be designed to avoid diversion works to the High Pressure pipeline.	Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG	Agreed and to be considered further at detailed design stage

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>However, traffic density, which may also affect the main, is difficult to predict given the timescales and will be further considered at detailed design.</p>		
3.1.3	<p>Medium and Low Pressure mains/services in close proximity</p>	<p>Medium Pressure and Low Pressure mains or services and associated equipment are located within the Order Limits or within the vicinity of the proposed works. Cadent has existing easements for these pipelines which prevents the erection of permanent/temporary buildings/structures, change to existing ground level or storage of materials etc within the easement strip.</p>	<p>The Applicant and Cadent has agreed protective provisions in Schedule 8, Part 4 of the Order to protect Cadent’s apparatus and equipment located within the Order Limits or vicinity of the proposed works, and concluded a side agreement (confidential).</p>	<p>Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG</p> <p>Schedule 8, Part 4 of the Order and side agreement (confidential).</p>	<p>Agreed</p>
3.1.4	<p>Diversion timescales</p>	<p>Diversions for High Pressure apparatus can take in excess of two years to plan and procure materials.</p>	<p>This will be taken into account if any High Pressure apparatus are identified as needing a diversion.</p>	<p>Confirmation email on 20 April 2023 following previous emails & calls</p>	<p>Agreed and to be considered further at</p>

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
			<p>At the time of writing this document, the design team has acknowledged the presence of a High Pressure main on Gipsy Lane which may be affected by Surface Access Works proposed as part of the DCO. These works can be designed to avoid diversion works to the High Pressure main. However, traffic density, which may also affect the main, is difficult to predict given the time scales and will be further considered at detailed design.</p>	<p>between the Applicant and Cadent discussing the SoCG</p>	<p>detailed design stage</p>
3.1.5	Diversion permissions	<p>Where diversions of apparatus are required to facilitate the scheme, Cadent will require the party requesting the diversion works to obtain any necessary planning permissions and other consents to enable the diversion works to be carried out. Cadent would ordinarily require a minimum of C4/Conceptual Design study to have been carried out to establish an appropriate</p>	<p>The Applicant has agreed protective provisions with Cadent.</p>	<p>Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG</p> <p>Schedule 8, Part 4 of the</p>	<p>Agreed</p>

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		diversion route ahead of any application being made.		Order and side agreement (confidential).	
3.1.6	Diversion requests	Where diversions sit outside the highway boundary the party requesting the diversion will be responsible for obtaining at their cost and granting to Cadent the necessary land rights, on Cadent's standard terms, to allow the construction, maintenance and access of the diverted apparatus. Adequate land rights must be granted to Cadent to enable works to proceed. Cadent's approval to the land rights powers included in the DCO prior to submission is strongly recommended to avoid later substantive object to the DCO. Land rights will be required to be obtained prior to construction and commissioning of any diverted apparatus, in order to avoid any delays to the project's timescales. A diversion agreement may be required	The Applicant has had discussions with Cadent about the land rights powers within the draft DCO and agreed appropriate protective provisions for the protection of Cadent's apparatus, including as regards diversions as may be required.	Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG Schedule 8, Part 4 of the Order and side agreement (confidential).	Agreed

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
		addressing responsibility for works, timescales, expenses and indemnity.			
<p>3.2 Protection/Protective Provisions</p>					
3.2.1	Protective Provisions	<p>Where the promoter intends to acquire land, extinguish rights, or interfere with any of Cadent’s apparatus, Cadent will require appropriate protection for retained apparatus and further discussion on the impact to its apparatus and rights including adequate Protective Provisions. Operations within Cadent’s existing easement strips are not permitted without approval and will necessitate a Deed of Consent being put in place. Any proposals for work in the vicinity for Cadent’s existing apparatus will require approval by Plant Protection under the Protective Provisions/Asset Protection Agreement and early discussions are advised.</p>	<p>The Applicant has agreed protective provisions and associated agreements with Cadent.</p>	<p>Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG</p> <p>Schedule 8, Part 4 of the Order and side agreement (confidential).</p>	<p>Agreed</p>

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
3.2.2	Written permission for works	The Applicant is to be aware that written permission is required before any works commence within the Cadent easement strip and a Crossing Agreement may be required if any apparatus needs to cross the Cadent easement strip.	The Applicant has agreed protective provisions and associated agreements with Cadent.	Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent discussing the SoCG Schedule 8, Part 4 of the Order and side agreement (confidential).	Agreed
3.2.3	Works review and approval	All works in the vicinity of Cadent's asset shall be subject to review and approval from Cadent's plant protection team in advance of commencement of works on site.	The Applicant has agreed protective provisions with Cadent.	Confirmation email on 20 April 2023 following previous emails & calls between the Applicant and Cadent	Agreed

SOCG ID	Matter	Cadent position	The Applicant position	Source of agreement	Agreed / Ongoing / Not agreed
				discussing the SoCG Schedule 8, Part 4 of the Order and side agreement (confidential).	