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London Luton Airport Expansion

Planning Inspectorate Scheme Ref: TR020001

Volume 2 Draft Development Consent Order and Consents
2.03 Consents and Agreements Position Statement
(Tracked Change Version)

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APFP Regulation 5(2)(q)

The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009**

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

**2.03 Consents and Agreements Position Statement (Tracked
Change Version)**

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1 INTRODUCTION

- 1.1.1 This application is made by London Luton Airport Limited (trading as Luton Rising) (the Applicant), owners of London Luton Airport (the airport). 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 increase the overall passenger capacity to 32 mppa.
- 1.1.2 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.
- 1.1.3 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 material 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;
 - 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 our goal of zero emission airport operations by 2040,¹ 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.
- 1.1.4 The full project description is provided in **Chapter 4** of the Environmental Statement ~~[[[TR020001/APP/5.01-REP5-012](#)]].~~

¹ 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.

1.1.5 This document lists other consents that the Applicant intends to obtain for the construction, operation and maintenance of the Proposed Development, or that it may need to obtain dependent on particular circumstances.

1.1.6 This document is recommended in the Department of Levelling Up, Housing and Communities, (formerly the Ministry of Housing, Communities and Local Government) guidance on application forms (paragraph 45):

“Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the Planning Act, then the applicant must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.”

2 CONSENTS AND AUTHORISATION TO BE INCLUDED WITHIN THE DCO POWERS

2.1.1 The principal consent for the Proposed Development will be the Development Consent Order (DCO) itself. The DCO [TR020001/APP/2.01REP5-003] as drafted makes provision for the following:

- a. the authorisation of all permanent and temporary works required (the equivalent of planning permission);
- b. powers for compulsory acquisition of land (including subsoil) and of rights over land such as easements, restrictive covenants and rights to use land temporarily;
- c. powers for the compulsory acquisition of rights over open space land;
- d. consent to carry out street works and close- streets temporarily;
- e. powers to stop up, divert and create public and private rights of way;
- f. consent to carry out works to trees;
- g. consent to obstruct ordinary watercourses; and
- h. consent and powers to remove any apparatus belonging to statutory undertakers and/or carry out utility diversions (subject to protective provisions).

2.1.2 In addition, the DCO (in article 43) makes provision to disapply the following legislation ~~and byelaws~~:

- a. the provisions of the Neighbourhood Planning Act 2017: in so far as they relate to the temporary possession of, or entry into, land under the Order, the provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purposes of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 34(1), any maintenance of any part of the authorised development.
- b. ~~section 23 (prohibition of obstructions, etc. in watercourses), 30 (authorisation of drainage works in connection with a ditch) and 32 (variation of awards) of the Land Drainage Act 1991 (Ref. 2.1)⁴; and~~
- c. ~~the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991 (Ref. 2.1).~~

3 OTHER CONSENTS REQUIRED

3.1.1 The following remaining consents, licences, permits etc. are expected to be required:

- a. approvals from relevant local planning authorities, Environmental Scrutiny Group and the Secretary of State pursuant to the Requirements contained in the DCO;
- b. licence from Natural England in relation to affected European Protected Species pursuant to regulation 55 of the Conservation of Habitats and Species Regulations 2017 (Ref. 3.1)², in relation to bats;
- c. licence from Natural England to affect protected species under section 16 of the Wildlife and Countryside Act 1981 (Ref. 3.2)³ and s 10 of the Protection of Badgers Act 1992 (Ref. 3.3),⁴ in relation to badgers;
- d. permits from the Environment Agency pursuant to the Environmental Permitting (England and Wales) Regulations 2016 (as amended) (Ref. 3.4)⁵ including permits for environmental permits (Schedule 5), Part B installations and Part B mobile plant etc (Schedule 8), waste operations and materials facilities (Schedule 9), landfill (Schedule 10), asbestos (Schedule 16), water discharge activities (Schedule 21), groundwater activities (Schedule 22) and flood risk activities and excluded flood risk activities (Schedule 25);
- e. consent(s) from the relevant sewerage undertaker to discharge waste water to a sewer pursuant to section 118 of the Water Industry Act 1991 (Ref. 3.5);⁶
- f. consent(s) from the relevant local authority or Environment Agency in relation to hazardous substances pursuant to sections 4 and 6 of The Planning (Hazardous Substances) Act 1990 (Ref. 3.6)⁷ and Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 (Ref. 3.7);⁸
- g. a COMAH notification from the Health and Safety Executive in relation to the storage of dangerous substances pursuant to the Control of Major Accident Hazards Regulations 2015 (Ref. 3.8);⁹
- h. approval under the Building Regulations 2010 (Ref. 3.9) from the relevant local planning authority;¹⁰
- i. consent(s) from the relevant local authority pursuant to section 61 of the Control of Pollution Act 1974 (Ref. 3.10);¹¹ and
- j. notification to the Health and Safety Executive about the commencement of construction in accordance with the Construction (Design and Management) Regulations 2015 (Ref. 3.11).¹²

3.1.2 In addition, a number of aviation related consents will be required from the Civil Aviation Authority (CAA) including:

- a. the grant of changes to the aerodrome certificate pursuant to ADR.AR.C.035 'Issuance of certificates' of CAA Regulation UK (EU) No. 139/2014 (Ref. 3.12);¹³ and

- b. Article 212 of The Air Navigation Order 2016 (Ref. 3.13)¹⁴ and CAP791 (Ref 3.14).¹⁵

3.1.3 The Applicant will ensure compliance with:

- a. Aviation Security Act 1982 (Ref. 3.15);¹⁶
- b. Aviation and Maritime Security Act 1990 (Ref. 3.16);¹⁷
- c. Policing and Crime Act 2009 (Ref. 3.17);¹⁸
- d. Regulation (EC) 300/2008 of the European Parliament and of the Council (Ref. 3.18)¹⁹ as amended by the Aviation Security (Amendment etc.) (EU Exit) Regulations 2019 (SI2019/547);
- e. Aviation Security Regulations 2010 (SI 2010/902) (Ref. 3.19)²⁰;
- f. Regulation (EU) 2014/598 (Ref. 3.20);²¹
- g. Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 (SI 2018/785) (Ref. 3.21);²²
- h. Civil Aviation Act 1982 (Ref. 3.22);²³
- i. Civil Aviation Act 2012 (Ref. 3.23);²⁴
- j. Airports Act 1986 (Ref. 3.24);²⁵ and
- k. Civil Contingencies Act 2004 (Ref. 3.25).²⁶

4 OTHER CONSENTS THAT MAY BE REQUIRED

4.1.1 The following remaining consents, licences, permits etc. may be required:

- a. a licence from the local planning authority pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2009 (Ref. 4.1) to display advertisements;²⁷
- b. a licence from the Environment Agency pursuant to section 24 of the Water Resources Act 1991 (Ref. 4.2) for the abstraction of groundwater or surface water;²⁸ and
- c. a permit from the Environment Agency pursuant to the Environmental Permitting (England and Wales) Regulations 2016 (Ref. 4.3) relating to thermal capacity and concrete batching.²⁹

5 AGREEMENTS

5.1.1 Agreements between the Applicant and a number of third parties are likely to be required in parallel to the DCO process and may take a variety of forms.

5.1.2 A fundamental part of the DCO process is the preparation and agreement of statements of common ground (SoCGs) with third parties to identify the matters on which parties are in agreement, or working towards that, to narrow the focus for examining the application concerned and to make the examination more efficient.

5.1.3 The following SoCGs have been developed before and during the examination period:

- a. Luton Borough Council [[TR020001/APP/8.13REP6-027](#)];
- b. Central Bedfordshire Council [[TR020001/APP/8.14REP6-029](#)];
- c. North Hertfordshire District Council [[TR020001/APP/8.16REP6-033](#)];
- d. Hertfordshire County Council [[TR020001/APP/8.15REP6-034](#)];
- e. Dacorum Borough Council [[TR020001/APP/8.17REP6-035](#)];
- f. Buckinghamshire Council [[TR020001/APP/8.18REP6-037](#)];
- g. Affinity Water [[TR020001/APP/8.08REP6-019](#)];
- h. Bedfordshire Fire and Rescue Service [[REP9-0396-044](#)];
- i. Bedfordshire Police [[REP2-008](#)];
- j. Civil Aviation Authority [[REP9-0376-024](#)];
- k. Cadent Gas [[REP102-03144](#)];
- l. East of England Ambulance Service [[TR020001/APP/8.19REP6-039](#)]
- m. Environment Agency [[REP9-0356-017](#)];
- n. Historic England [[REP9-0346-013](#)];
- o. National Highways [[TR020001/APP/8.11REP6-023](#)];
- p. Natural England [[REP96-0490](#)];
- q. NATS (Services) Limited [[REP8-0262-019](#)];
- r. NATS (En Route) PLC [[REP8-0416-043](#)];
- s. Prax Downstream UK plc [[REP6-012](#)];
- t. Thames Water [[TR020001/APP/8.06REP6-015](#)];
- u. UK Health Security Agency and Office for Health Improvement and Disparities [[REP10-0336-025](#)]; and
- v. World Fuel Services [REP6-011](#)].

5.1.4 In addition to SoCGs, legal agreements regulating land and works powers, undertakings and memoranda of understanding and letters of comfort, are being progressed where appropriate. _____

5.1.5 The status of other legal agreements is as follows: Applicant has prepared

- a. an agreement with Cadent Gas Limited in relation to protective provisions has been agreed and completed on 30 January;
- b. an agreement with Eastern Power Networks Plc (UKPN) in relation to protective provisions has been agreed and completed on 5 February;
- c. an agreement with Thames Water Utilities Limited in relation to protective provisions has been agreed and completed on 8 February;
- d. an agreement with National Highways in relation to the bond sum has been agreed and completed on 8 February 2024;
- e. an agreement with Central Bedfordshire Council in relation to highways has been agreed and completed on 8 February 2024; and
- f. the section 106 agreement between the Applicant and the Host Authorities is in agreed form and has been signed by five of eight parties. The Applicant expects completion to take place on 9 February 2024, prior to the close of examination; and
- g. an agreement with Affinity Water has been agreed and is due to be signed on 1 March in accordance with their internal processes.

~~5.1.5 — draft heads of terms for the proposed section 106 agreement as set out in the Planning Statement [REP5-016] which has been submitted as part of the application. The Applicant is engaging with the Local Authorities to finalise an agreed section 106 agreement during and before the close of the examination.~~

~~5.1.6 — Progress on finalising any SoCG or other forms of agreement, along with updated/final documents, will be reported to the Examining Authority during and before the close of the examination.~~

6 SUMMARY

~~6.1.1 The Applicant is in discussion with all affected bodies, and is seeking to agree with each affected body, the principles against which applications for the listed consents, licences, permits etc. should be considered, in order that all relevant issues may be considered during the examination of its application for development consent.~~

6.1.26.1.1 The Applicant is not aware of anything that justifies refusal of development consents and does not regard the need for other consents as a material risk to the delivery of the Proposed Development.

GLOSSARY AND ABBREVIATIONS

Term	Definition
CAA	Civil Aviation Authority
DCO	Development Consent Order
Luton DART	Luton Direct Air to Rail Transit
NATS	National Air Traffic Services
SoCG	Statement of Common Ground

REFERENCES

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- ~~¹ Land Drainage Act 1991, s 23, 30, 32, 66~~
 - ² Conservation of Habitats and Species Regulations 2017, (SI2017/1012), Regulation 55
 - ³ Wildlife and Countryside Act 1981, s 16
 - ⁴ Protection of Badgers Act 1992, s 10
 - ⁵ Environmental Permitting (England and Wales) Regulations 2016, (SI2016/1154), Schedule 5, 8, 9, 10, 16, 21, 22, 25
 - ⁶ Water Industry Act 1991, s 118
 - ⁷ The Planning (Hazardous Substances) Act 1990, s 4, 6
 - ⁸ The Planning (Hazardous Substances) Regulations 2015, (SI2015/627), Schedule 1
 - ⁹ Control of Major Accident Hazards Regulations 2015 (SI2015/483)
 - ¹⁰ Building Regulations 2010, (SI2010/2214)
 - ¹¹ Control of Pollution Act 1974, s 61
 - ¹² The Construction (Design and Management) Regulations 2015, (SI2015/51)
 - ¹³ Commission Regulation (EU) No 139/2014, Annex II, Subpart C ADR.AR.C.035
 - ¹⁴ The Air Navigation Order 2016, (SI2016/765), Article 212
 - ¹⁵ Civil Aviation Authority (2016), CAP791: Procedures for changes to aerodrome infrastructure
 - ¹⁶ Aviation Security Act 1982
 - ¹⁷ Aviation and Maritime Security Act 1990
 - ¹⁸ Policing and Crime Act 2009
 - ¹⁹ Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002
 - ²⁰ Aviation Security Regulations 2010 (SI 2010/902)
 - ²¹ Regulation (EU) No 598/2014 of the European Parliament and of the Council of 16 April 2014 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC
 - ²² The Airports (Noise-related Operating Restrictions) (England and Wales) Regulations 2018 (SI2018/785)
 - ²³ Civil Aviation Act 1982
 - ²⁴ Civil Aviation Act 2012
 - ²⁵ Airports Act 1986
 - ²⁶ Civil Contingencies Act 2004
 - ²⁷ Town and Country Planning (Control of Advertisements) England Regulations 2007 (SI2007/783)
 - ²⁸ Water Resources Act 1991, s 24
 - ²⁹ Environmental Permitting (England and Wales) Regulations 2016 (SI2016/1154)