

The Civil Aviation Authority's response to London Luton Airport Limited's Environmental Impact Assessment Scoping Report

CAP 1897

A large, abstract graphic composed of overlapping, semi-transparent blue shapes in various shades, ranging from light cyan to deep navy blue. The shapes are curved and layered, creating a sense of depth and movement. The graphic occupies the lower two-thirds of the page, starting from the left edge and extending towards the right, with some shapes overlapping the white background.

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Civil Aviation Authority
Aviation House
Gatwick Airport South
West Sussex
RH6 0YR

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The CAA's response to LLAL's Environmental Impact Assessment Scoping Report

Introduction

1. The CAA is the UK's specialist aviation regulator. We work so that:
 - the aviation industry meets the highest safety standards. We regulate the safety of airport design against UK, European and international safety criteria.
 - consumers have choice, value for money, are protected and treated fairly when they fly.
 - airspace is well managed. We make decisions on proposals to change airspace design, which we do against the background of Directions and environmental guidance from the Secretary of State.
 - the aviation industry manages security risks effectively.

We also provide the government, and third parties on a commercial basis, with environmental advice as requested, including information about the noise effects of aviation operations.

In general, it is for government to determine environmental policy and for the CAA, where required, to implement such policy as it relates to our functions.
2. We welcome the opportunity to respond to London Luton Airport Limited's (LLAL) Environmental Impact Assessment (EIA) scoping report in our capacity as a prescribed statutory consultee in the planning process.
3. By way of general introductory comment, in paragraphs 5 to 12 we provide a high-level overview of our regulatory roles and how they relate to the Development Consent Order (DCO) process. In paragraphs 13 to 17 we explain how we approached our consideration of LLAL's EIA scoping report. In paragraphs 18 to 22 we provide such comments as we have at this stage on those chapters of LLAL's EIA scoping report that relate to the CAA's regulatory roles.
4. For further information about the CAA's responsibilities or on any of our comments in this paper, please contact us at DCO.Coordination@caa.co.uk.

The DCO and CAA's Regulatory Processes

5. In addition to obtaining a DCO, LLAL will also be required to obtain a number of regulatory approvals from the CAA in order to give effect to the Proposed Development. The CAA's regulatory approval processes will continue throughout the planning and construction phases. The environmental statement that will form part of LLAL's DCO application will contain topics which are relevant to the CAA's regulatory processes. The most significant regulatory areas are as follows.

Safety Regulation

6. The CAA has a number of safety oversight responsibilities in the UK. The CAA oversees the safety of aircraft and air navigation, the control of air traffic, air traffic services personnel, the licensing of aerodromes and air crew. In recent years, the European Commission, the European Aviation Safety Agency (EASA) and International Civil Aviation Organisation have played an increasingly significant role.
7. The CAA is the national supervisory authority for the certification of air navigation services (ANS) providers covering the requirements of Regulation (EU) No. 1035/2011. Those requirements include technical and operational competence and capability, specific requirements for the provision of air traffic services, meteorological services, aeronautical information services and communication, navigation or surveillance services.
8. The CAA is also the designated competent authority for the licencing of aerodromes under Regulation (EU) No. 139/2014. The licencing process ensures continuous oversight of safety standards at civil aerodromes. Since this regulation came into force in 2014, London Luton Airport's aerodrome licence has been converted to an EASA compliant licence.
9. Safety assurance of proposed changes can only be provided if the proposer submits to the approving authority a fully detailed concept of operations for how it intends to achieve an acceptable level of safety.
10. It might not be possible to issue some approvals without trialling the operation first. In such circumstances, permission to operate a trial may sometimes be given so that the operator can demonstrate that the concept works as intended (potentially with further mitigating action required to ensure the concept meets all requirements).

Airspace Change

11. The CAA is responsible for making decisions on proposals to change airspace design. As part of that decision-making role, we take into account a range of factors including safety, efficiency and guidance on environmental objectives

from the Secretary of State. The evidence we use to consider those factors, and how it should be prepared, is set out in our regulatory process 'Airspace Design: Guidance on the regulatory process for changing airspace design including community engagement requirements'(CAP1616).

12. Any airspace changes associated with the Proposed Development at London Luton Airport must follow the CAA's airspace change process as set out in our guidance in CAP1616. Our guidance specifies the evidence we need from the organisation sponsoring an airspace change, including the relevant environmental data and the methodologies for producing it.

CAA's response to LLAL's EIA Scoping Report

13. The CAA's regulatory processes will to a significant extent run in parallel with the DCO process, but not conclude until after the DCO application has been submitted. Accordingly, the CAA may be asked by the Planning Inspectorate ("PINS") and the Secretary of State to provide an interim opinion regarding the viability of LLAL's scheme.
14. It would therefore be prudent for the EIA scope and methodology to be consistent with the requirements of the CAA's regulatory processes in order to avoid duplication and aid clarity for stakeholders. Where this is not possible, we suggest that LLAL explains its choice of methodology with great care and sets out the difference between the methodology used for EIA purposes and that to be used for the purposes of any submissions seeking CAA approval.
15. We have considered LLAL's EIA scoping report on that basis, and we are using this response to inform PINS of the information we consider should be provided in LLAL's environmental statement. We have in particular considered LLAL's proposed scope and methodology to assess and mitigate the significant environmental impacts of the Proposed Development. We have only commented on relevant chapters/EIA topics.
16. Our response below contains a limited number of comments on those aspects of LLAL's EIA Scoping Report that relate to our regulatory roles.
17. In respect of airspace change, CAP 1616 and CAP 1616a¹ provide the relevant methodologies for use in environmental assessments to assist those preparing airspace change proposals.

¹ CAP 1616a is CAA publication 'Airspace Design: Environmental requirements technical annex'

Chapter 5

18. We note at paragraphs 5.5.1 to 5.5.6 that the environmental impact assessment will not take account of the planned airspace reorganisation known as FASI South. We invite the Applicant to clarify whether airspace change is required in order to deliver the Proposed Development.

Chapter 6

19. With reference to paragraphs 6.8.1 to 6.8.6 we note that the applicant should consider referring also to operational measures such as single engine taxi, measures to incentivise reductions in use of aircraft APUs whilst on stand (using fixed electrical ground power, FEGP and preconditioned air, PCA).

Chapter 10

20. With reference to paragraph 10.4.11 we are unable to reconcile the statements made with the footnoted reference 163 to paragraph 3.106 of Aviation 2050 the Future of UK Aviation. This makes no mention of NATS or noise reduction; some further clarity is sought from the applicant on this.
21. With reference to paragraph 10.5.5, EIA Regulations require assessment of the year of maximum effect. In the case of airports with quieter aircraft being introduced each year, set against growth in air traffic movements, the year of maximum effect may not be one of the years indicated for assessment and may be an intermediate year.

Chapter 20

22. We note at paragraph 20.6.3 that there is no reference to increased likelihood of aircraft related incidents that could arise as a result of a projected 50% uplift in ATMs planned by 2038. The Applicant may wish to demonstrate that this has been taken into account.