

Substantive extract from the Secretary of State's decision letter on London Luton Airport's request to become Co-ordinated for the purposes of airport slot allocation, under Article 3 of Regulation (EEC) 95/93 on common rules for the allocation of slots at Community airports

"In response to London Luton Airport's request earlier this year, the Department for Transport held a targeted consultation from 28 May to 25 July 2012 on whether the Secretary of State for Transport should designate London Luton Airport as Co-ordinated under the EC and UK Airport Slot Allocation Regulations.

The consultation targeted commercial airlines, business and general aviation operators, aviation industry representative bodies, and other local stakeholders, which might have an interest in the issue. The consultation also asked whether, if the Secretary of State for Transport was minded to designate the airport as Co-ordinated, he should also approve the appointment of Airport Co-ordination Limited (ACL) as the airport's designated Co-ordinator.

Fourteen organisations submitted comments in response to the consultation. A summary of responses will be published shortly on the Department's website.

In reaching his decision on London Luton Airport's request, the Secretary of State has carefully reviewed the evidence under the provisions of Article 3(5) of Regulation (EEC) 95/93 on common rules for the allocation of slots at European Community airports, which state that where capacity problems occur at a Member State airport for at least one scheduling period, the Member State shall ensure that the airport is designated as Co-ordinated only if:

- (a) the shortfall is of such a serious nature that significant delays cannot be avoided at the airport, and,
- (b) there are no possibilities of resolving these problems in the short term.

After carefully evaluating all the views expressed by consultation respondents, and the evidence within the airport's Capacity Analysis submitted in May, the Secretary of State considers that :

- There are operational constraints with the airport's runway, taxiway pattern, apron stands which, when compounded by airline movements above the capacity declared for Schedules Facilitated purposes during the airport's peak operating periods, result in a degradation of the airport's capacity to move aircraft, and subsequently cause delays for airlines and air passengers using the airport. Although these problems are prevalent only at certain times and in part relate to resilience, they create a shortfall of such a serious nature that significant delays cannot be avoided at the airport. There is some dispute as to the whether the problems outlined

above have been extant for at least one scheduling period (as required under the Regulation), however the Secretary of State has taken the view that they have been in existence for sufficient time for the airport to have concluded that the current Schedules Facilitated arrangements are insufficient to resolve them. Thus Article 3(5)(a) is met.

- The airport's operator has subsequently published in its Master Plan proposals for infrastructure improvements to the airport's taxiways and hardstanding areas. However these proposals are currently under consultation, and would ultimately be subject to consideration under the normal planning process. Therefore the constraints described above could be resolved, but not through measures that could be realised in the short term. Accordingly Article 3(5)(b) is met.

Accordingly, having considered that the situation in Article 3(5) of the Slot Allocation Regulations has arisen, the Secretary of State considers that London Luton Airport should be designated as Co-ordinated under Article 3 of Regulation (EEC) 95/93.

The Secretary of State has also approved the appointment of ACL as the designated Co-ordinator at London Luton Airport in accordance with paragraph 4(3) of the Airports Slot Allocation Regulations 2006 (SI 2665/2006). “